

Chapter I

PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL

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INTRODUCTORY NOTE

The material included in this chapter of the *Supplement*, covering the period 1952-1955, pertains to the practice of the Security Council in relation to all the provisional rules of procedure with the exception of those rules which are dealt with in other chapters as follows: chapter II: Agenda (rules 6-12); chapter III: Participation in the Proceedings of the Council (rules 37-39); chapter VII: Admission of New Members (rules 58-60); and chapter VI: Relations with Other Organs (rule 61). Certain procedures of voting are dealt with in the present chapter, while material relating to the application of Article 27 (rule 40) is presented in chapter IV.

For reasons explained in the General Introduction, the major headings under which material was presented in the earlier volume have been maintained in the *Supplement* even in the absence of new material requiring treatment.

As in the corresponding chapter of the original volume, the arrangement of each part in this chapter, following the classification of the *Repertoire*, is based upon the successive chapters of the provisional rules of procedure of the Security Council. Since, during the period under review, the Council has not considered the adoption or amendment of rules of procedure, the case histories entered in respect of each rule are confined entirely to those proceedings of the Council in which a question has arisen regarding the application of the rule, especially where discussion has taken place regarding a momentary variation of practice. As in the previous volume, therefore, the case histories in this chapter do not constitute cumulative evidence of the practice of the Council, but are indicative of special problems which have arisen in the working of the Council under its provisional rules.

Part I

MEETINGS (RULES 1-5)

NOTE

Part I comprises the proceedings of the Security Council relating to rules 1-5 of the provisional rules of procedure which reflect the provisions of Article 28 of the Charter. Rule 1 stipulates that "the interval between meetings shall not exceed fourteen days". However, as indicated in the previous volume of the *Repertoire*, when no particular item on the agenda requires immediate consideration, the President customarily consults with the representatives on the Council to ascertain whether there is any objection to his intention to waive rule 1. During the period under review, the rule was waived in this manner in respect of twenty-four meetings. Case 1 illustrates the procedures of consultation employed by the President to modify a decision of the Council setting the date for a meeting. Material bearing on the calling of a meeting in the urgent circumstances envisaged by rule 8 of the rules of procedure will be found in chapter II (Case 3A).

No periodic meetings, as provided for in rule 4, were held during the period under review.

••1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 1-5

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 1-5

a. Rule 1

CASE 1

At the 655th meeting on 21 January 1954, the President (Lebanon) recalled that at its 654th meeting the Council had decided to meet again not earlier than

8 January and not later than 15 January 1954. He informed the Council that as a result of that decision, and after consultations between the President and the Secretary-General, it had been agreed that the meeting would be held on 14 January. However, on 13 January, the President had received a telegram from the representatives of France, the United Kingdom and the United States requesting him to seek the concurrence of the other members of the Council to postpone the meeting scheduled for 14 January until 21 January. The President had communicated with the Secretary-General who, in turn, had obtained the concurrence of the other members of the Council to postpone the meeting.¹

b. Rule 2

CASE 2

At the 576th meeting on 14 April 1952, in connexion with the Tunisian question, the representative of France complained that, toward the close of the previous meeting, the President (Pakistan) had declared the meeting adjourned and, without waiting for the French interpretation of his remarks, had left the Chair. The representative of France observed that he had immediately raised his hand on a point of order and, after expressing surprise that the meeting could be adjourned before the French interpretation of the President's statement had been given, requested that the Council should not adjourn without fixing the date for the next meeting and proposed that the Council should vote to hold a meeting on Monday.

¹ 655th meeting: paras. 33-36.

The President replied that, at the previous meeting the Council, just before adjournment, had considered two proposals to fix the date of the next meeting and had rejected them. Only after the adjournment of the meeting had the Chair received a request from the representative of France that the next meeting should be held on Monday. He further stated:

"We know that the rules of procedure provide that a meeting shall be called by the President when a member of the Security Council asks for it. We also know that the rules say nothing as to the date on which that meeting should be called, which, as I understand, is a matter entirely within the jurisdiction of the Chair. Nevertheless, the Chair paid the delegation of France the courtesy that was due to the delegation of France and called the meeting for Monday, 14 April . . ."²

CASE 3

At the 654th meeting on 29 December 1953, in connexion with the Palestine question, the representative of Pakistan stated that since the Council had not been able to find an acceptable solution, it might consider a suggestion that the Council should adjourn *sine die* on this question. It would then be open to any member of the Council or to the President for next month to call another meeting on this question should occasion arise.

The representative of the United Kingdom stated that, if the Council adjourned *sine die*, it might place the next President, the representative of Lebanon, in a slightly invidious position. He thought it would be preferable for the Council to fix a definite date for its next meeting. He moved that the Council should adjourn until 7 January 1954.

The representative of Pakistan observed:

" . . . By suggesting that the Security Council should adjourn *sine die*, we did not and could not take away

² For texts of relevant statements see: 576th meeting: President (Pakistan), paras. 20-21; France, paras. 8, 14, 17.

from our United Kingdom colleague or any of the other sponsors the right to call the meeting on the date they have suggested, or earlier if necessary.

" . . . The calling of a meeting is not entirely in the President's hands. The President is the custodian of the rules of procedure.

"He is in a certain sense the servant of the Council and I am perfectly sure that Sir Gladwyn Jebb knows that he or his colleagues could request the President to call the meeting, and that the President, under the circumstances, would have no alternative but to call the meeting. Therefore, to refer to the President's difficulties might perhaps be misunderstood to mean that somehow or other the Lebanese colleague could prevent a meeting from being held, which, as all of us around this table know, is simply not correct."

After further discussion, it was agreed to reconvene on this question sometime between 7 and 15 January 1954.³

c. Rule 3

CASE 4

At the 701st meeting on 10 December 1955, in connexion with the question of admission of new Members, the President (New Zealand) explained that the meeting had been summoned in accordance with the expressed desire of the General Assembly that the Security Council should "consider, in the light of the general opinion in favour of the widest possible membership of the United Nations, the pending applications for membership of all those eighteen countries about which no problem of unification arises".⁴ He further stated that the meeting had been called at short notice in response to the obvious anxiety of most Members that action by the Council should be completed as soon as possible.⁵

³ For texts of relevant statements see: 654th meeting: President (Greece), para. 70; Chile, paras. 68-69; China, paras. 45-46, 65; France, para. 63; Pakistan, paras. 4, 31-36; USSR, paras. 56-59; United Kingdom, paras. 9-10, 49-51.

⁴ S/3467, p. 2.

⁵ 701st meeting: provisional record, p. 2.

Part II

REPRESENTATION AND CREDENTIALS (RULES 13-17)

NOTE

As indicated in the previous volume of the *Repertoire*, the reports of the Secretary-General on the credentials of representatives on the Council have been, since 1948, circulated to the delegations of all the Council members, and, in the absence of any request that they be considered by the Council, have been considered approved without objection.

During the period under review, the question of the representation of China in the Security Council has again been raised in the Council. As previously, the relationship of the question to chapter III of the provisional rules of procedure has not been expressly determined in the course of the proceedings of the Council. Accordingly, the proceedings have again been presented as a whole (Case 5). For a case involv-

ing the impingement of the question of the representation of China on the rights of the Presidency, see in part III, Case 6.

- 1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 13-17
- 2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 13-17

Rules 13-17 in general

CASE 5

At the 689th meeting on 31 January 1955, before the adoption of the agenda, the representative of the USSR submitted⁶ a motion to the Council "not to admit the

⁶ 689th meeting: paras. 2, 23.

representative of the Kuomintang group to participate in the consideration of the questions on the agenda of the Security Council [S/Agenda/689 Rev.1]". He stated that only the Central People's Government of the People's Republic of China had the right to represent the interests of the Chinese people in the United Nations and the Security Council.

The representative of France maintained that the representative of the Republic of China occupied his seat on the Council as a permanent Member of the Organization by virtue of the powers conferred on him to that end by his Government. The validity of these powers had been recognized by the Secretary-General and subsequently by all the competent organs of the United Nations. He therefore requested the Council to reject the motion submitted by the representative of the USSR.

The representative of China declared that he occupied the seat of the Republic of China in the Security Council by virtue of the Charter and in accordance with the rules of procedure, and denied that the régime in Peiping represented the Chinese people.

The representative of the United States submitted a motion⁷ not to consider any proposals to exclude the representative of the Government of the Republic of China, or to seat representatives of the Central People's Government of the People's Republic of China. He

⁷ 689th meeting: para. 24.

further proposed that his motion should be given priority over that of the USSR in the voting.

The representative of the United Kingdom maintained that the question of Chinese representation in the United Nations was a matter which had to be settled before peaceful and friendly relations could be re-established between the various governments with interests in the Far East. But at the moment the necessary conditions did not exist. Therefore, he could not consider it wise or timely to debate the question of Chinese representation.

The representative of the USSR replied that, because the items on the provisional agenda had the most direct and vital significance for the Chinese people, the Security Council should settle this problem.⁸

After the Council had adopted the proposal to give the United States motion priority in the voting, the President (New Zealand) put to the vote the proposal submitted by the representative of the United States which was adopted by 10 votes to 1.⁹ Accordingly, the motion of the representative of the USSR was not put to the vote.¹⁰

⁸ For texts of relevant statements see: 689th meeting: President (New Zealand), para. 25; China, para. 7; France, paras. 5, 13; USSR, paras. 2-3, 14-17; United Kingdom, paras. 9-11, United States, para. 8.

⁹ 689th meeting: para. 26.

¹⁰ 689th meeting: para. 27.

Part III

PRESIDENCY (RULES 18-20)

NOTE

Part III of this chapter is confined to those proceedings of the Council which are directly related to the office of the President: the rights of a representative in relation to the right of the Presidency under rule 18 (Case 6); and, the temporary cession of the Chair in accordance with rule 20 (Case 7).

Other material relevant to the exercise by the President of his functions, under rules 27, 31, 32, 33 and 36, is included in part V of the present chapter, while proceedings concerning rulings by the President, under rule 30, are dealt with in chapter IV (Cases 11 and 12). The four occasions on which the President has formulated the conclusions reached in the debate are dealt with in chapter VIII (part II, decisions of 31 January 1952, 11 November 1954, 13 January 1955 and 19 April 1955).

*1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 18-20

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 18-20

a. Rule 18

CASE 6

At the 700th meeting on 8 September 1955, before the adoption of the agenda, the representative of the

USSR stated that only an appointee of the Central People's Government of the People's Republic of China could be the legitimate representative of the Chinese people in the United Nations and in the Security Council. The time had come to afford the People's Republic of China the opportunity to take its rightful place in the Security Council and the other organs of the United Nations.

The President (China) ruled that the statement made by the representative of the USSR was out of order. He stated:¹¹

"... I occupy the seat of China and the chair of President of the Council by virtue of the Charter of the United Nations and in accordance with the rules of procedure of this Council. My acts as member and as President are valid in the same way and to the same extent as are the acts of other members and other Presidents of this Council."

b. Rule 20

CASE 7

At the 655th meeting on 21 January 1954, in connexion with the Palestine question, the President (Lebanon), following the adoption of the agenda, proposed to invoke rule 20 of the provisional rules of pro-

¹¹ 700th meeting: para. 4.

cedure and asked the representative of New Zealand to assume the Chair temporarily during the discussion of the Palestine question. He reminded the Council that "this convenience is intended only for purposes of the debate under consideration, and does not affect

the functions or the responsibilities of the President otherwise".¹²

The representative of New Zealand took the Chair.¹³

¹² 655th meeting: para. 37.

¹³ 655th meeting: para. 37.

Part IV

SECRETARIAT (RULES 21-26)

NOTE

Part IV comprises the proceedings of the Security Council relating to rules 21-26 which delineate the specific functions and powers of the Secretary-General, under Article 98, in connexion with the meetings of the Council.

As in the previous volume of the *Repertoire*, proceedings classified under rule 22 are included by virtue of their possible relation to Article 99.

The Security Council, during the period under review, has not had recourse to rule 23.

Under rule 24 the Secretary-General has provided the required staff to service the meetings of the Council as well as the commissions and subsidiary organs, both at Headquarters and in the field.

Certain decisions of the Security Council have conferred specific duties upon the Secretary-General. At the 690th meeting on 31 January 1955, in connexion with the letter dated 28 January 1955 from the representative of New Zealand concerning the question of hostilities in the area of certain islands off the coast of the mainland of China (S/3354), the Council, in deciding to invite a representative of the Central People's Government of the People's Republic of China to participate in the discussion, requested the Secretary-General to convey the invitation to the Central People's Government of the People's Republic of China. After the decision, the President (New Zealand) observed that in conveying the invitation the Secretary-General would no doubt take into account the views expressed by the representatives as to the desirability of the Central People's Government of the People's Republic of China accepting this invitation.¹⁴

*1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 21-26

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 21-26

a. Rule 22

CASE 8

At the 630th meeting on 27 October 1953, in connexion with the Palestine question with special reference to the item of Compliance with and enforcement of the General Armistice Agreements, the President of the Security Council called on the Secretary-General who desired to make a statement.

The Secretary-General made the following statement:¹⁵

¹⁴ 690th meeting: paras. 143, 147.

¹⁵ 630th meeting: paras. 3-7.

"... Before presenting General Bennike, may I take this opportunity to express my special concern, as Secretary-General, regarding the outbreaks of violence and the recent incidents which have taken place in Palestine, creating new tensions in the Middle East. These incidents constitute serious violations of the General Armistice Agreements concluded by the parties in 1949.

"I consider it my duty to recall to the parties concerned that, as has been stated in different Security Council resolutions, the General Armistice Agreements signed, pending the final peace settlement, pursuant to Article 40 of the Charter, include firm pledges against any acts of hostility between the parties. They also provide for supervision of the armistice by the parties themselves and by the Mixed Armistice Commissions under the chairmanship of the Chief of Staff of the Truce Supervision Organization.

"I wish also to express a firm hope that the parties will give full consideration to their obligations under the terms of the Armistice Agreements and that they will refrain from any action, contrary to those Agreements, which would prejudice the attainment of permanent peace in Palestine, which is the ultimate aim of the United Nations in the Middle East.

"In conclusion, may I make a strong appeal to the parties concerned to refrain from spreading rumours and from provocative acts which would contribute to a widening of tensions in the area, and especially to avoid any premature actions which could jeopardize the Council's present endeavours."

CASE 9

At the 656th meeting on 22 January 1954, in connexion with the Palestine question with particular reference to the Complaint by Syria against Israel concerning work on the west bank of the River Jordan in the demilitarized zone, the Acting President (New Zealand) called upon the Secretary-General, who had expressed the wish to make a statement to the Council.

The Secretary-General stated:¹⁶

"Again I must, in the present troubling situation, stress the importance of the time factor, which is the main reason for this intervention after months of discussion in the Security Council. With this as a background, I must ask the Council to consider most seriously the possibility of a speedy, positive decision giving the Chief of Staff, General Bennike, the necessary support and authority."

¹⁶ 656th meeting: paras. 174-178.

b. Rule 26

CASE 10

At the 635th meeting on 9 November 1953, in connexion with the Palestine question, with particular reference to the Compliance with and enforcement of the General Armistice Agreement, the representative of Lebanon stated that the text of the written replies which had been prepared by the United Nations Chief of Staff to the questions put to him at the 632nd meeting had not been made available readily. Certain delegations had asked for copies of that text but had been refused. There was something secretive about this whole affair. He therefore would ask the President to make sure, through the Secretary-General, that this situation should not take place in the United Nations.

The President (France) called on the Secretary-General who made the following statement:

"The text circulated last Saturday in accordance with the decision of the Security Council was circulated as a Press release. If Mr. Malik will look at the text, he will see that there is printed on the first page the fact that it may not be used before three o'clock, Monday, 9 November. It is obviously a matter of courtesy that it should not be published and should not be circulated before this very discussion. I think the discussion shows very clearly that it is not only courteous but it is also wise not to give this text wider publicity than the one strictly necessary for Security Council purposes before the meeting of the Council.

"Having asked to speak in order to reply to Mr. Malik's question, I should like to add that a rather irregular procedure was chosen this time by the Security Council—having an advance circulation of replies—

and I think it is but proper that this arrangement should also have its reflection in further measures in order to expedite the work of the Security Council. It is, from the point of view of the Secretariat, a slightly awkward position to have to hold an advance Press release before distribution. But I can assure the representative of Lebanon that there is nothing secretive about it."

The President stated that the Security Council was not responsible for the irregular procedure mentioned by the Secretary-General, and the fact that the document had been distributed in the form of a Press release. The President had held the view that it ought to be published as a Security Council document and distributed to members, and only then released for the public. But he had been informed that, for reasons of convenience, it was better to publish the document in the form of a press release.

The Secretary-General replied:

"Of course, I shall go into the matter to see what has happened, because it is quite obvious that a communication, the very moment it is published, should be available not only to the Press but to delegations as well and with priority; that goes without saying.

"I may add, concerning the heading 'Press release' that that special technical detail was for reasons of convenience which were, as the President pointed out, entirely the responsibility of the Secretariat. My argument referred to the fact that we had the replies of General Bennike circulated in document form before the replies were given here."¹⁷

¹⁷ For texts of relevant statements see: 635th meeting: President (France), paras. 29, 32; Lebanon, paras. 25, 28, 33-34; Secretary-General, paras. 30-31, 35-36.

Part V**CONDUCT OF BUSINESS (RULES 27-36)****NOTE**

The observations made in the introduction to this chapter that the cases included are indicative of special problems which have arisen in the practice of the Council, are applicable particularly to this part. As in the previous volume of the *Repertoire*, the cases comprise proceedings of the following nature: decisions by the Council to depart from a rule; decisions on the conduct of business in situations not covered or clearly covered by the rules; instances where the meaning or applicability of the rules was in doubt; and cases in which decisions were made between competing rules. The cases, arranged in chronological order under respective rules, bear on the following points:

1. *Rule 27*

- (a) The order of intervention in the debate (Case 11);
- (b) Termination of the general debate (Case 12).

2. *Rule 31*

Requirement that proposals be in writing (Cases 13, 14).

3. *Rule 32, para. 1*

- (a) Order of precedence (Case 15);
- (b) Changes in the order of precedence (Case 18).

4. *Rule 32, para. 2*

- (a) Request for the separation of vote (Cases 16, 19);
- (b) Bearing of the application of rule 32, para. 2, on vote on the whole (Case 17).

5. *Rule 33, para. 1, sub-para. 1-6*

Case 21 concerns precedence of motions.
Case 23 concerns the significance of the expression "to postpone discussion".

6. *Rule 33, para. 2*

Case 22 concerns exclusion of debate after motion for simple adjournment.

7. *Rule 36*

Case 24 concerns precedence of voting on an amendment to a draft resolution.

****1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 27-36**

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 27-36

a. Rule 27

CASE 11

At the end of the 635th meeting on 9 November 1953, in connexion with the Palestine question, with particular reference to Compliance with and enforcement of the General Armistice Agreements, the representative of Israel* requested the opportunity of making a statement at the beginning of the next meeting to be held on that sub-item. The President (France) stated that the request of the representative of Israel would be met provided that no member of the Council wished to speak before him.¹⁸

At the 637th meeting on 12 November 1953, the President (France) called upon the representative of Israel first.¹⁹

CASE 12

At the 656th meeting on 22 January 1954, in connexion with the Palestine question, the Acting President made a statement in his capacity as the representative of New Zealand in the course of the general debate. He then called on the representative of Lebanon after observing that it was his understanding that the latter had requested to be heard not in the course of the general debate, but on a procedural matter.

Speaking on a point of order, the representative of Lebanon stated that there had been no motion to close the general debate or the list of speakers. He believed that he was entitled to comment on the important points of substance which the Acting President, speaking on behalf of his Government, had just made in the course of the general debate. The representative of Lebanon said that his intention, therefore, was to make a substantive, not a procedural statement.

The Acting President observed:

“ . . . My understanding of the procedure of the Security Council is that it has been the custom for the President or the Acting President to speak last in the debate, but that is, as I understand, merely a custom, and, of course, if any member desires to speak substantively in reply to what the President or the Acting President has said, that is not only the privilege but the right of members of the Council . . . ”

The representative of the USSR pointed out that the Acting President had made his statement as he himself indicated, in his capacity as the representative of New Zealand, and that therefore his statement could not be regarded as the last word of the Security Council.²⁰

The Acting President called upon the representatives of Lebanon and the USSR in the order in which they had signified their desire to speak in the general debate.²¹

¹⁸ For texts of relevant statements see:

635th meeting: President (France), para. 75; Israel, para. 74.

¹⁹ 637th meeting: para. 1.

²⁰ For texts of relevant statements see:

656th meeting: Acting President (New Zealand), paras. 14, 16, 19; Lebanon, paras. 17-18, 22; USSR, paras. 15, 20-21.

²¹ 656th meeting: para. 19.

b. Rule 31

CASE 13

At the 655th meeting on 21 January 1954, in connexion with the Palestine question, the representative of Lebanon suggested that in case the Council did not accept the two draft resolutions²² which were then under consideration, it was desirable that it agree to adopt a simple procedural text to refer the matter back to the Chief of Staff of the United Nations Truce Supervision Organization. On that understanding, he would not read out the text before the Council had voted on the two draft resolutions, and reserved the right to introduce his text formally at the appropriate time.

The Acting President (New Zealand) stated that the Council could not be committed to a clear understanding of the course of action which the representative of Lebanon had proposed. If the representative of Lebanon wished to submit a draft resolution, he would, of course, pay attention to rule 31 of the rules of procedure.

The representative of Lebanon replied that, if no other member wished to initiate the procedure which he had suggested, he would formally submit his proposal in writing.²³

Before the Council voted on the two draft resolutions, the representative of Lebanon submitted his draft resolution in writing.²⁴

CASE 14

At the 690th meeting on 31 January 1955, in connexion with the question of hostilities in the area of certain islands off the coast of the mainland of China, the President, as the representative of New Zealand, proposed to invite a representative of the Central People's Government of the People's Republic of China to participate in the discussion.

The representative of the USSR stated that a proposal of such importance was usually submitted in writing in accordance with rule 31 of the provisional rules of procedure. He therefore requested the President to submit his proposal in writing.

The President, speaking as the representative of New Zealand, replied:

“ . . . this is not a substantive motion as defined by rule 31 of the rules of procedure which state: ‘Proposed resolutions, amendments and substantive motions shall normally be placed before the representatives in writing’. I ask representatives to note the word ‘normally’. It does not mean ‘obligatory’. The matter before us is an urgent one. In any event, this is not a substantive proposal; it is a procedural proposal.”²⁵

The proposal was then put to a vote.²⁶

²² S/3151/Rev.2, O.R., 8th year, Suppl. for Oct.-Dec. 1953, pp. 79-80; S/3152, 650th meeting: para. 53.

²³ For texts of relevant statements see:

655th meeting: Acting President (New Zealand), paras. 76, 82, 85; Lebanon, paras. 73-75, 79.

²⁴ 655th meeting: para. 83.

²⁵ For texts of relevant statements see:

690th meeting: President (New Zealand), paras. 135-139; USSR, paras. 132-134. See also, chapter IV, part I.A.7, Case 15.

²⁶ 690th meeting: paras. 139, 143.

c. Rule 32

CASE 15

At the 653rd meeting on 22 December 1953, in connexion with the Palestine question, the President (Greece), summarizing the proceedings, stated that there were two proposals before the Council: one submitted by the representative of Lebanon and supported by the representatives of the United Kingdom and France that the Security Council should postpone its discussion and decision on the item until 29 December; and another submitted by the representative of Colombia and supported by the representative of the United States that the Council should reconvene to consider the item on 11 January 1954. He proposed to put the Colombian proposal to the vote first.

The representative of France disagreed with the President's proposal to give priority of voting to the Colombian proposal, on the ground that it had been submitted after his own proposal.

The President pointed out that the representative of Colombia had formally moved his proposal before the Council recessed. At that time, the representative of France had only made a suggestion that the Council should meet either on 28 or 29 December 1953 or on 4 or 5 January 1954, the exact date to be determined later.

The representative of Colombia, expressing full agreement with the President's interpretation of his motion, stated that he would repeat his motion for the Council to meet again on 11 January at 11.00 a.m.

The representative of France replied that if the President and the representative of Colombia considered that the Colombian proposal had precedence over his, he would not press the point.²⁷

The President put the Colombian proposal to the vote first.²⁸

CASE 16

At the 655th meeting on 21 January 1954, in connexion with the Palestine question, while the Council was considering a joint draft resolution submitted by the representatives of France, United Kingdom and the United States,²⁹ the representative of Lebanon stated that should the joint draft resolution come to a vote, he would, under rule 32 of the provisional rules of procedure, request the President to put it to the vote in parts.

At the 656th meeting on 22 January 1954, the Acting President (New Zealand) stated that, by virtue of rule 32, it was necessary for him to inquire whether the movers of the joint draft resolution objected to its being voted on in parts. The representative of Lebanon maintained:

"... The text of rule 32 does not say that parts of a motion or a draft resolution shall be voted on separately at the request of any representative unless

²⁷ For texts of relevant statement see:

653rd meeting: President (Greece), paras. 65-66, 71, 76; Colombia, para. 74; France, paras. 68-70, 75.

²⁸ 653rd meeting, para. 76.

²⁹ S/3151/Rev.2, O.R., 8th year, *Suppl. for Oct.-Dec. 1953*, pp. 79-80.

the President has already ascertained whether the original mover does or does not object thereto. It says 'unless the original mover objects'. I understand this to mean that it must be left to the initiative of the original movers, who are all here and who can themselves express objections if they wish to. For the President actually to initiate the process by making them to express their opinions seems to me to be unnecessary."

The Acting President observed that, having regard to the course of the debate on the particular subject, he still thought it right to put the matter in the way he had done for the convenience of the Council.³⁰

The representative of the United Kingdom having objected to a vote in parts, the Acting President put the joint draft resolution to the vote as a whole.³¹

CASE 17

At the 670th meeting on 4 May 1954, in connexion with the Palestine question, the Council considered a joint Brazilian-Colombian proposal³² dated 22 April 1954 concerning the method by which the Council should deal with the two items appearing on the provisional agenda.

In reply to the inquiry of the representative of the USSR, the sponsors of the proposal stated that they would not oppose a paragraph by paragraph vote on their joint proposal.

After the vote in parts had been taken, the President (United Kingdom) stated that each of the three paragraphs of the Brazilian-Colombian proposal had been adopted, and therefore, the Council could take it that the proposal as a whole had been adopted. The representative of the USSR maintained that this conclusion would have been justified had all the paragraphs been adopted unanimously. In fact, however, the representatives of Lebanon and the USSR had voted against paragraph 2. He, therefore, requested a vote on the draft resolution as a whole.³³

The President, stating that there was force in what the representative of the USSR had said, put to the vote the proposal as a whole.³⁴

CASE 18

At the 701st meeting on 10 December 1955, in connexion with the question of Admission of new Members, the Security Council had before it draft resolutions which had been submitted in the following order:

³⁰ For texts of relevant statements see:

655th meeting: Acting President (New Zealand), paras. 38, 82; Lebanon, para. 103; USSR, para. 106; United Kingdom, paras. 87-88.

656th meeting: Acting President (New Zealand), paras. 107, 117; Lebanon, paras. 109, 118, 120-121; United Kingdom, paras. 111-116; United States, para. 123.

³¹ 656th meeting: para. 135.

³² 670th meeting: para. 2.

³³ For texts of relevant statements see:

670th meeting: President (United Kingdom), paras. 60, 69; Brazil, paras. 24-25; Colombia, paras. 54-55; USSR, paras. 20-21, 70-71.

³⁴ 670th meeting: para. 73.

thirteen draft resolutions,³⁵ submitted by the representative of China, to recommend the admission of thirteen applicant States; eighteen draft resolutions,³⁶ submitted by the representative of the USSR, recommending the admission of eighteen applicant States; another USSR draft resolution³⁷ concerning the procedure to be followed in examining the applications of the eighteen States; and a joint draft resolution,³⁸ submitted by Brazil and New Zealand, to consider separately the applications of the eighteen States and to recommend to the General Assembly their admission to the United Nations.

The representative of China, observing that voting on this matter had always been based on proposals for admission made by members of the Council and not on applications for admission submitted by the applicant State, maintained that the proposals before the Council should be voted on in the order of their submission in accordance with rule 32 of the provisional rules of procedure.

The representative of New Zealand expressed the hope that the Council would give priority in voting to the joint draft resolution submitted by Brazil and New Zealand. At the 702nd meeting on 10 December 1955, the representative of Iran made a proposal to this effect. The representative of the USSR opposed this proposal and urged that priority be given to the USSR draft resolution concerning the procedure for examining the applications.

At the 703rd meeting on 13 December 1955, the representative of the USSR, explaining his understanding of the joint draft resolution submitted by Brazil and New Zealand, stated that he would not insist that priority should be given to the procedure which had been proposed in the USSR draft resolution.

The representative of China opposed the proposal to give priority to the joint Brazil-New Zealand draft resolution.³⁹

Decision: *At the 703rd meeting on 13 December 1955, the proposal submitted by the representative of Iran was put to the vote and adopted by 8 votes in favour to one against, with 2 abstentions.*⁴⁰

CASE 19

At the 706th meeting on 15 December 1955, in connexion with the question of Admission of new Members, the Council considered among others a USSR draft resolution⁴¹ to recommend the admission of the Mongolian People's Republic and Japan to the United

³⁵ S/3468, S/3469, S/3470, S/3471, S/3472, S/3473, S/3474, S/3475, S/3476, S/3477, S/3478, S/3479, S/3480.

³⁶ S/3484, S/3485, S/3486, S/3487, S/3488, S/3489, S/3490, S/3491, S/3492, S/3493, S/3494, S/3495, S/3496, S/3497, S/3498, S/3499, S/3500, S/3501.

³⁷ S/3483.

³⁸ S/3502.

³⁹ For texts of relevant statements see:

701st meeting: provisional record, President (New Zealand), pp. 18-22; China, pp. 33-34;

702nd meeting: provisional record, Iran, p. 5; USSR, p. 17;

703rd meeting: provisional record, China, p. 10; USSR, p. 3.

⁴⁰ S/PV.703: p. 28. See also in chapter VII below, Case 16.

⁴¹ S/3512.

Nations at the eleventh regular session of the General Assembly.

The representative of France stated that the Council should take a separate vote on each of the countries named in the draft resolution submitted by the representative of the USSR. The representative of the USSR maintained that, under rule 32 of the provisional rules of procedure, a draft resolution could be voted upon in parts only with the consent of the sponsor of the draft resolution. He requested that the USSR draft resolution be put to the vote as a whole.⁴²

The USSR draft resolution was voted upon as a whole.⁴³

d. Rule 33

CASE 20

At the 577th meeting on 18 June 1952, in connexion with the question of an appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacteriological weapons, the representative of the United States moved that, pursuant to rule 33 (4) of the provisional rules of procedure, the USSR draft resolution, providing for such an appeal, be referred to the Disarmament Commission for consideration.⁴⁴

At the 582nd meeting on 25 June 1952, the representative of the USSR, noting that rule 33 (4) was derived directly from rule 28, maintained that the Disarmament Commission was not a commission or a committee established by the Security Council and that, consequently, neither rule 33 nor rule 28 applied to the case.⁴⁵

At the 583rd meeting on 26 June 1952, the USSR draft resolution was put to a vote.⁴⁶

CASE 21

At the 590th meeting on 9 July 1952, in connexion with the question of Admission of new Members, when the Security Council considered resolution 506 (VI) of the General Assembly, the representative of Greece proposed, under rule 33 (5), to postpone the discussion of the question until 2 September 1952.⁴⁷

At the 591st meeting on the same day, the representative of Pakistan submitted a draft resolution⁴⁸ to urge the permanent members of the Council to give their earnest attention to the request of the General Assembly embodied in resolution 506 (VI). The President (United Kingdom) stated that since the Greek proposal was submitted under rule 33 (5), it would be put to the vote first. The representatives of Chile and Pakistan believed that the draft resolution could be considered as an amendment to the proposal submitted

⁴² For texts of relevant statements see: 706th meeting: provisional record, France, p. 41; USSR, pp. 43-45.

⁴³ 706th meeting: provisional record, p. 50.

⁴⁴ 577th meeting: para. 138.

⁴⁵ 582nd meeting: paras. 96-98.

⁴⁶ 583rd meeting: para. 6.

⁴⁷ 590th meeting: paras. 40, 56.

⁴⁸ S/2694, 591st meeting: para. 25.

by the representative of Greece. The President stated that he could not interpret rule 33 as allowing him to regard the draft resolution as an amendment to the proposal.

The representative of Greece maintained that his proposal was purely procedural in character while the draft resolution was one of substance, and that, under the circumstances, he hoped that the draft resolution would be withdrawn.⁴⁹ After further discussion on whether the draft resolution was procedural or substantive in character, the proposal submitted by the representative of Greece was put to the vote first.⁵⁰

CASE 22

At the 628th meeting on 20 October 1953, in connexion with the question of Appointment of a Governor of the Free Territory of Trieste, the representative of Colombia proposed, under rule 33 (5) of the provisional rules of procedure, to postpone the discussion of the item until 4 November 1953.

The representative of the USSR maintained that rule 33 could not properly be held to apply in this case, since the proposal was not to suspend or adjourn a meeting, but to postpone the meeting of the Council to a later date. Moreover, the Council had not yet begun to discuss the item on the agenda and, therefore, there could be no question of a suspension. Even if rule 33 were interpreted to apply to the case, this should not, in justice, mean that the party which had initiated the question should be barred from stating its views on the possibility of postponing the discussion of a matter which it considered urgent.

The representative of Colombia replied that, when he cited rule 33 (5), at no time did he hint at the possibility of not commencing a debate. Furthermore, only paragraphs 1 and 2 of that rule provided for the suspension or adjournment of a meeting without debate.⁵¹

After further discussion of the Colombian proposal, the President (Denmark) put it to the vote.⁵²

CASE 23

At the 651st meeting on 21 December 1953, in connexion with the Palestine question, the representative of the USSR urged the Council to postpone a vote on the joint draft resolution⁵³ of 21 December 1953 submitted by the representatives of France, the United Kingdom and the United States.

The President (Greece) stated that he could not find in the rules of procedure any provision referring to the postponement of voting.

⁴⁹ For texts of relevant statements see: 591st meeting: President (United Kingdom), paras. 27, 38, 40, 87-88, 93; Chile, paras. 32-33, 84-86, 95; Greece, paras. 10, 13, 51; Pakistan, paras. 25, 31, 82-83.

⁵⁰ 591st meeting: para. 96.

⁵¹ For texts of relevant statements see: 628th meeting: President (Denmark), paras. 43, 131, 133; Colombia, paras. 1-4, 32, 132; Greece, para. 80; USSR, para. 6.

⁵² 628th meeting: para. 133.

⁵³ S/3151/Rev.1.

The representative of the USSR observed:

“So far as concerns the rules of procedure, the President is of course right in saying that there is no such rule . . . It cannot be held that if there is no applicable rule of procedure, we cannot find a way out of a situation. There is an analogy. Rule 33 of the rules of procedure makes it possible to draw an analogy. This rule provides for the possibility of postponing the discussion of a question to a certain day or indefinitely. If, however, it is possible to postpone the discussion of a question, why should it be impossible to postpone the vote on a question? How can any logical objection be raised to the application of this analogy?”

The representative of the USSR then proposed to postpone *sine die* a vote on the joint draft resolution.

The representative of Pakistan, having proposed, under rule 33, that the meeting be adjourned until 11.00 a.m. the next day,⁵⁴ the President put to the vote the motion of the representative of Pakistan, which was adopted.⁵⁵

c. Rule 36

CASE 24

At the 704th meeting on 13 December 1955, in connexion with the question of Admission of new Members, the Council considered a joint draft resolution⁵⁶ submitted by the representatives of Brazil and New Zealand to recommend the admission of eighteen applicant States to the United Nations, and an amendment⁵⁷ submitted by the representative of China to add the names of two States to the list of applicants.

The President (New Zealand), in explaining that the joint draft resolution would be put to the vote paragraph by paragraph, declared that the names listed in the amendment would be voted upon before those listed in the joint draft resolution.

The representative of the USSR maintained that the procedure suggested by the President was incompatible with rule 36 which plainly stated that “when an amendment adds to or deletes from the text of a motion or draft resolution, that amendment shall be voted on first”. This meant that that amendment was to be voted on first in relation to the whole resolution. The representative of the USSR requested, therefore, that the amendment be put to the vote after the names of the eighteen States listed in the joint draft resolution.⁵⁸

The President replied that, when a draft resolution was put to the vote paragraph by paragraph, rule 36 required an amendment to be voted on before the paragraph to which it related. The representative of the USSR then proposed that the President put the names listed in the amendment to the vote in the chronological order of their applications among the names listed in

⁵⁴ For texts of relevant statements see:

651st meeting: President (Greece), paras. 66, 92; Chile, paras. 79-80; Pakistan, para. 107; USSR, paras. 29-30, 71-73.

⁵⁵ 651st meeting: para. 108.

⁵⁶ S/3502.

⁵⁷ S/3506.

⁵⁸ For texts of relevant statement see:

704th meeting: provisional record, President (New Zealand), pp. 10-15; USSR, p. 11.

the draft resolution. The President observed that he must adhere to his ruling and had no power to alter the arrangement in the draft resolution. The representative of the USSR asked that his proposal be put to the vote.

After the USSR proposal had been rejected,⁵⁹ the President put to the vote the joint draft resolution and the amendment in the manner ruled.⁶⁰

⁵⁹ 704th meeting: provisional record, p. 17.

⁶⁰ 704th meeting: provisional record, pp. 16, 23-24.

Part VI

VOTING (RULE 40)

NOTE

Rule 40 does not set forth detailed provisions regarding the mechanics of the vote or the majorities by which the decision of the Council should be taken. While material regarding certain aspects of the mechanics of voting has already been presented in this chapter, the proceedings of the Council regarding the majorities by which the various decisions of the Council should be taken are included in chapter IV: Voting.

As indicated in the previous volume of the *Repertoire*, the Council has taken many decisions without vote, and the President has, in the absence of objections, declared the proposal adopted. During the period under review, there have been occasions when the conclusions to be drawn in connexion with a question have been stated formally by the President without putting a proposal to the Council for adoption. Instances of this are to be found in chapter VIII, part II (decisions of 31 January 1952, 11 November 1954, 13 January and 19 April 1955). On one occasion, when a member had expressed disagreement with the conclusion stated by the President, that fact was noted in the Presidential statement of the consensus of the Council.⁶¹

The case included in part VI (Case 25) constitutes an application of Article 109 (3) and not of Article 27 which has been dealt with in chapter IV.

**1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULE 40

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULE 40

CASE 25

At the 707th meeting on 16 December 1955, the agenda included a letter⁶² dated 12 December 1955

⁶¹ 572nd meeting: paras. 33-35.

⁶² S/3503.

from the Secretary-General addressed to the President of the Security Council transmitting the text of the General Assembly resolution of 21 November 1955, concerning the proposal to call a General Conference of the Members of the United Nations for the purpose of reviewing the Charter.

The representatives of Brazil, Iran, the United Kingdom and the United States submitted the following joint draft resolution:⁶³

"The Security Council,

"Mindful that Article 109, paragraph 3, of the Charter of the United Nations provides that if a General Conference of the Members of the United Nations for the purpose of reviewing the Charter has not been held before the tenth annual session of the General Assembly, such a Conference shall be held if so decided by a majority vote of the Members of the General Assembly and by a vote of any seven members of the Security Council,

"Having considered resolution A/RES/324 adopted by the General Assembly on 21 November 1955 in which the Assembly decided that a conference to review the Charter of the United Nations shall be held at an appropriate time,

"Expresses its concurrence in the Assembly's decision, as set forth in resolution A/RES/324 of the General Assembly."

After some discussion, the joint draft resolution was put to a vote.⁶⁴

Decision: *The joint draft resolution was adopted by 9 votes in favour to 1 against (the vote against being that of a permanent member), with one abstention.*⁶⁵

⁶³ S/3504.

⁶⁴ For texts of relevant statements see: 707th meeting: provisional record, Belgium, p. 58; USSR, pp. 51-54; United Kingdom, pp. 46-50; United States, pp. 55-57.

⁶⁵ 707th meeting: provisional record, p. 59.

Part VII

LANGUAGES (RULES 41-47)

NOTE

Rules 42-43 regarding interpretation into the two working languages have been consistently applied during the period under review, as in the period covered by the previous volume of the *Repertoire*. On two occasions consecutive interpretation into French or English has

been omitted, by way of exception, in order not to protract a meeting or to expedite discussion of a question (Cases 27, 28). On another occasion, the question arose as to whether a meeting could be declared adjourned before the interpretation of the President's last remarks had been given (Case 26).

****1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 41-47**

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 41-47

Rules 42-43

CASE 26

At the 576th meeting on 14 April 1952, in connexion with the Tunisian question, the representative of France complained that toward the close of the previous meeting the President (Pakistan) had declared the meeting adjourned without having waited for the French interpretation of his remarks, had brought down the gavel and immediately left the Chair. He pointed out that the meeting could not have risen before the interpretation of the President's last remarks had been given. He further stated:

"As for the law involved, it is indisputable that the consecutive interpretation of a statement is an integral part of that statement, that a statement is not ended and 'complete' in the legal sense, until its consecutive interpretation into the other working language has been concluded, and, furthermore, that the right of every member of the Council to hear the interpretation of a statement, no matter how brief, cannot be denied him . . ."

The President replied:

". . . the Chair held after the last meeting, and holds now, that when it was announced from the Chair that the meeting was adjourned and the President rapped the gavel the meeting, to all intents and purposes, was adjourned. It is too subtle a point as to whether the meeting continues for the ten seconds during which the words 'The meeting is adjourned' are translated . . ."

The representative of France stated:

"According to what the President has just said, it would appear that the President of the Security Council can close a meeting before the interpretation of his last speech. I wonder whether that is so; and I would ask the members of the Security Council if that is how they interpret the spirit and the letter of the rules of procedure, since the result would be that a meeting could be closed before a delegation, which was not acquainted with the language used by the President in speaking the words preceding his

statement that the meeting was closed, had been able to understand those words and to decide whether or not to oppose the closure . . .

"Furthermore, . . . the gavel should properly be used at the end of the interpretation and not at the conclusion of his own remarks. In this way the signal is given for the interpretation of those remarks, and the closure of the meeting indicated at the proper time."⁶⁶

CASE 27

At the 680th meeting on 10 September 1954, in connexion with the question of a letter⁶⁷ dated 8 September 1954 from the representative of the United States addressed to the President of the Security Council, the President (Colombia) indicated that, in view of the lateness of the hour, he had consulted the English-speaking and the French-speaking representatives who, by way of exception only, had agreed to dispense with the consecutive interpretations of the statements made by the representative of the USSR. The representative of France pointed out that the right of interpretation belonged equally to the speaker and the listener and he, as a listener, was prepared to dispense with the interpretation into French, provided that the representative of the USSR, as a speaker, was prepared to do likewise. The representative of the USSR replied in the affirmative. The same procedure was followed with regard to the next statement made by the representative of the United States.⁶⁸

CASE 28

At the 679th meeting on 10 September 1954, the President (Colombia) stated that the use of any of the official languages other than English or French in the Security Council necessitated two consecutive interpretations—into English and French. Since he was the only Spanish-speaking member of the Council, he would not unnecessarily lengthen the discussion and would confine himself to using one of the two working languages.⁶⁹

⁶⁶ For texts of relevant statements see:

576th meeting: President (Pakistan), paras. 18-22; France, paras. 5-17, 23-24.

⁶⁷ S/3287, O.R., 9th year. Suppl. for July-Sept. 1954, p. 35.

⁶⁸ For texts of relevant statements see:

680th meeting: France, para. 109; USSR, para. 111; United States, para. 123.

⁶⁹ 679th meeting: para. 1.

Part VIII

PUBLICITY OF MEETINGS, RECORDS (RULES 48-57)

NOTE

As indicated in the previous volume of the *Repertoire*, the verbatim records of each meeting are made available to the representatives on the Security Council, as well as to the representatives of any other States which have participated in the meeting. In mimeographed copies of the record is incorporated a note showing the time and date of distribution. Corrections are requested in

writing, in duplicate, within two working days, to be submitted in one of the two working languages (English, French), preferably in the same language as the text to which they refer. These corrections are included, in the absence of any objection, in the Official Record of the meeting which is printed and distributed as soon as possible after the expiration of the time limit for correction.

****1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 48-57**

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 48-57

Rule 53

CASE 29

At the 576th meeting on 14 April 1952, in connexion with the Tunisian question, the representative of France complained that, toward the close of the last meeting, the President (Pakistan) had declared the meeting adjourned without waiting for the interpretation of his remarks. Despite the request made by the representative of France on a point of order, the President had insisted that he was talking to the representative of France quite unofficially, as the meeting had already risen. The representative of France added:

“No transcription of the various statements made at that point appears in the verbatim record of that

meeting, as distributed to us; and it does not appear because you lodged an objection against its publication with the Secretariat. Fortunately, however, it was not in your power to suppress the sound recordings; and thanks to them we have been able to reconstruct the incident into its various stages. I wish to recall them in detail, not only to support my protest but also thereby to ensure that an account appears in the printed records of the Security Council.”

The President replied:

“... if the representative of France thought that the meeting continued beyond the point at which I rapped the gavel he has now amply amended that position—to his own satisfaction at least—by reading from a recording by the Secretariat of what happened during what the Chair still regards as an informal discussion after the adjournment of the meeting...”⁷⁰

⁷⁰ For texts of relevant statements see: 576th meeting: President (Pakistan), para. 22; France, paras. 5-10.

Part IX

APPENDIX TO PROVISIONAL RULES OF PROCEDURE

****CONSIDERATION OF THE ADOPTION OR AMENDMENT OF THE PROCEDURE**