

**Chapter I**

**PROVISIONAL RULES OF PROCEDURE OF THE  
SECURITY COUNCIL**

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## INTRODUCTORY NOTE

The material included in this chapter pertains to the proceedings of the Security Council in relation to all the provisional rules of procedure with the exception of the rules 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). Material relating to the application of Article 27 (rule 40) is presented in chapter IV.

The major headings under which the material is presented in this chapter follow the classification previously adopted for the *Repertoire*. The arrangement of each part is based on the successive chapters

of the provisional rules of procedure of the Security Council.

During the period under review, the Council has not considered the adoption or amendment of rules of procedure. Therefore, the case histories included under each rule are confined to those proceedings of the Council in which a question has arisen regarding the application of the rule or where discussion has taken place regarding a temporary departure from the usual practice. As was noted in the previous volumes, 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 proceedings of the Council under its provisional rules.

### Part I

#### MEETINGS (RULES 1-5)

##### NOTE

The proceedings of the Security Council relating to rules 1-5 of the provisional rules of procedure reflect the provisions of Article 28 of the Charter. In accordance with paragraph 1 of the Article, which provides that the Council "be so organized as to be able to function continuously", rule 1 stipulates that "the interval between meetings shall not exceed fourteen days". As in earlier periods, when no particular item on the agenda required immediate consideration, the President has consulted with the representatives on the Council to ascertain whether there was any objection to his intention to waive rule 1. During the period under review, the rule was thus waived twenty-two times.

In recent years consultation has generally taken place before the calling of a meeting. The summoning of a meeting in urgent circumstances has given rise to discussion with respect to omission of such prior consultation with members of the Council (Cases 2 and 3), and the effect on requirements as to timely submission of credentials (Case 4).

No periodic meetings, as provided under rule 4, were held during the period covered by this *Supplement*.

##### \*\*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 734th meeting on 26 September 1956, in connexion with items submitted by France and the

United Kingdom and by Egypt concerning the Suez Canal, the representative of the United Kingdom suggested that the Council adjourn until the afternoon of 4 October 1956 to enable the Foreign Ministers of the countries concerned to take part in the meetings. The suggestion of the representative of Iran to adjourn until 5 October 1956 was supported by the representatives of Peru and the USSR.

The representative of the United Kingdom thereupon urged that the President (Cuba) consult the convenience of delegations and set a date accordingly. The representative of Iran agreed, observing that in any case, under the rules of procedure, it was for the President to decide the date of the next meeting.

The President stated that though he would no longer be President the following month he would, on 28 September, consult the members of the Council through the Secretariat, and then call a meeting on the date chosen by the majority.<sup>1</sup>

###### b. Rule 2

###### CASE 2

At the 746th meeting on 28 October 1956, when the provisional agenda included the letter<sup>2</sup> dated 27 October 1956 from the representatives of France, the United Kingdom and the United States concerning the situation in Hungary, the representative of the USSR, speaking

<sup>1</sup> For texts of relevant statements, see:

734th meeting: President (Cuba), paras. 163, 165; Iran, paras. 84, 161; Peru, para. 158; USSR, paras. 156-157; United Kingdom, paras. 10, 22, 159-160; United States, para. 44.

<sup>2</sup> S/3690, O.R., 11th year, *Suppl. for Oct.-Dec. 1956*, p. 100.

on a point of order, stated that the meeting had been called in a manner inconsistent with the traditions of the Council, for the President (France), in fixing the date and time of the meeting, had failed to consult certain members, including the delegation of the Soviet Union. This disregard by the President of certain members was inadmissible, and the haste with which the meeting had been convened on the question raised by the letter of 27 October was in no way justified by the circumstances.

The President stated that he was required, under the rules of procedure, to call a meeting at the request of any member or members of the Council, and that when a meeting was requested as a matter of urgency, the President was required to convene the meeting as such. There was nothing in the rules of procedure which required the President to consult his colleagues. Quite apart from considerations of courtesy, the President would in any event have been unable to hold consultations in the short time that was available. However, he had asked the Secretary of the Council to notify all members immediately, and that had been done.

The representative of the USSR replied that, although the President had described the rules of procedure correctly, a definite tradition with regard to fixing the date of a meeting existed in the Council, and had never previously been infringed. In this instance it had been infringed without any justification.<sup>5</sup>

<sup>5</sup> For texts of relevant statements, see :

746th meeting : President (France), para. 3 ; USSR, paras. 1, 4.

### CASE 3

At the 752nd meeting on 2 November 1956, the provisional agenda included the letter<sup>4</sup> dated 27 October 1956 from the representatives of France, the United Kingdom and the United States, concerning the situation in Hungary. The President (Iran) informed the Security Council that by another letter<sup>5</sup> dated 2 November 1956, the three representatives had requested an urgent meeting of the Council to consider the item on the situation in Hungary of which the Council had already been seized. The President, having noted that the letter had reached him at 1.00 p.m. that afternoon, stated that the urgency of the matter of which the Council was already seized had left him no choice but to convene the Council. It had been impossible to consult members beforehand. He hoped in future to have the necessary time for such consultations.

The representative of the USSR stated that in view of the President's explanation there was no need for him to dwell on the hurried manner in which the meeting of the Council had been called.<sup>6</sup>

<sup>4</sup> S/3690, O.R., 11th year, Suppl. for Oct.-Dec., 1956, p. 100.

<sup>5</sup> S/3723, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 117.

<sup>6</sup> For texts of relevant statements, see :

752nd meeting : President (Iran), para. 3 ; USSR, para. 5.

## Part II

### REPRESENTATION AND CREDENTIALS (RULES 13-17)

#### NOTE

Since 1948, the reports of the Secretary-General on the credentials of the representatives on the Security Council have been circulated to the delegations of all the Council members, and, in the absence of a request that they be considered by the Council, have been considered approved without objection.

In one instance during the period under review, the question of the validity of the credentials of the representative of a Member State invited to participate in the discussions of the Council was raised. The discussion turned on three questions : (a) whether rule 14 or rule 17 was to be applied ; (b) whether an invited representative could be seated at the Council table without permission to speak pending the verification of his credentials ; and (c) whether credentials empowering a representative to participate in a special session of the General Assembly could be accepted as empowering him to participate on invitation in the discussions of the Council (Case 4).

The question of the continued validity of the credentials of the representative of a member of the Council in circumstances of contested authority to issue credentials was discussed in the proceedings presented in Cases 5 and 6.

The proceedings relating to Cases 4, 5 and 6 have been presented as a whole under rules 13-17 of the provisional rules of procedure because the discussions in connexion therewith touched upon all the rules included in chapter III of the rules of procedure.

#### \*\*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 4

At the 752nd meeting on 2 November 1956, in connexion with the letter dated 27 October 1956 from the representatives of France, the United Kingdom and the United States concerning the situation in Hungary, the President (Iran) invited the representative of Hungary, Mr. Szabo, to take a place at the Council table. The President then called upon the representative of China on a point of order.

The representative of China, having stated that at a previous meeting of the Council [746th meeting] a

representative of Hungary had been asked to participate in the debate, inquired of the President whether he had any assurance that the person invited did in fact represent the Government of the Hungarian Republic, and, if so, whether he would give the Security Council the necessary assurance in regard to his representative character.

The President observed that in the absence of evidence to the contrary the Council was supposed to accept the representative of a country as long as his status had not been disapproved.

The representative of the United States requested that the credentials "of the gentleman who is sitting in the seat of Hungary" be submitted to the Council so that it could see whether he did in fact represent the Hungarian Government.

The President said that under the rules of procedure credentials must be submitted to the Secretary-General, whose duty it was to study their validity.

The Under-Secretary stated that the meeting of the Council had been called at very short notice, and that when, with the permission of the President and under his instructions, he had informed the Hungarian delegation, he had been told that a representative would attend the meeting. He had also been informed by Mr. Szabo that he had been authorized by his Government to act in the absence of Ambassador Kos. The Under-Secretary added that he had just been informed that a cable had been received from the Hungarian Government signed by Imre Nagy, Prime Minister and Acting Minister of Foreign Affairs, appointing Mr. Szabo as representative at the emergency session of the General Assembly which convened on 1 November 1956.

The representative of the United States, after quoting rules 14 and 15 of the rules of procedure, raised the question "whether this gentleman here on my left" was qualified, in the light of those rules, to sit at the Council table.

The President replied that he had been aware of the two rules which the representative of the United States had read out, but:

"... as the Council was called on only three hours' notice, it was very difficult to ask the representative of a country to submit his credentials twenty-four hours before the meeting. It was physically impossible for the Secretariat to comply with the requirements of the rules mentioned.

"... but as the rules of procedure allow us to seat the representative of a country provisionally pending the approval of his credentials, I would suggest that the representative of Hungary should sit at the Council table, but should not make a statement until the Secretariat has time to verify his credentials."

The representative of the United Kingdom stated that he had a slight doubt whether it would be proper to provide that until the credentials had been verified, the representative should merely sit at the table and not speak. Under rule 16, the representative would appear to have the same rights as other representatives.

The representative of the United States supported the suggestion made by the President.

The representative of the USSR maintained that at the 746th meeting the Security Council had adopted a decision to invite the representative of Hungary to participate in the consideration of the item. That decision still stood. In opposition to the President's suggestion, he drew the attention of the Council to rule 17 of the rules of procedure.

The representative of Peru acknowledged that rule 17 was quite explicit, but the President's suggestion imposed a moral duty on the representative of Hungary, who, moreover, would only be entitled to speak after the members of the Council had stated their views. He suggested that the Council adopt the President's suggestion, without specifically challenging rule 17.

The representative of Cuba expressed the view that rule 17 did not apply to the present case, but solely to the representatives of members of the Security Council who were to be enabled thereby to continue discharging their duties as long as their credentials were not declared invalid. If rule 17 were to apply, it was quite conceivable that "this gentleman might make a statement on behalf of a Government he was not authorized to represent". Rule 14, which alone was pertinent, required that the credentials of a representative be submitted before the meeting. As a compromise measure, however, the representative of Cuba was prepared to accept the President's suggestion.

The representative of Yugoslavia observed that since three members of the Council had deemed it necessary to call an emergency meeting of the Council, the Council should also apply the emergency rule of procedure, namely rule 17, which in his view was applicable not only to members of the Security Council, but also to any representative in the Council. Therefore, the Security Council should either recognize the right of the representative of Hungary to participate in the discussions with the same rights as any other representative, or adjourn the meeting.

The President, after observing that there would be no opportunity for the representative of Hungary to speak at that meeting, stated:

"... In the circumstances, it might be better to take no decision, because I know that there is uncertainty in the minds of lawyers as to whether rule 17 applies exclusively to members of the Security Council or also to States invited to participate in the debate..."

He thought it would be advisable, following the suggestion of the representative of Peru, to leave the question to the discretion of the President and proceed with the discussion. There was no need to take a decision on the question of credentials, as the Secretariat would have an opportunity to verify them in the meantime.

The representative of Australia pointed out that at the instant meeting the place of the permanent representative of Hungary had been taken at the Council table by a member of the Permanent Mission of Hungary who, like all members of permanent missions listed in the official list, had presumably been properly accredited

by the head of his mission. This conferred on him a certain official character reinforced by the arrival of a telegram establishing credentials for his appearance at the emergency special session of the General Assembly. The question was whether Mr. Szabo was qualified to sit at the table of the Security Council. The rules of procedure were provisional and had not envisaged a meeting called with such urgency that the credentials of a new representative could not be verified beforehand. He suggested that as a matter of democratic procedure "the gentleman who has taken the seat of the representative of Hungary" might be asked to inform the Council in what capacity he appeared.

Following further discussion indicating agreement that the representative of Hungary should be seated, the representative of Peru proposed formally that the Security Council leave the matter in the hands of the President.

**Decision:** *The proposal of the representative of Peru was adopted without objection.*<sup>6a</sup>

#### CASE 5

At the 827th meeting on 15 July 1958, in connexion with the letter<sup>7</sup> dated 22 May 1958 from the representative of Lebanon addressed to the President of the Security Council, the representative of the USSR asked that the powers of the representative of Iraq be clarified before the Security Council proceeded to the adoption of the agenda. He understood that there was a communication to the effect that the revolutionary Government of Iraq had recalled the representative of Iraq and had named a new representative to the United Nations and to the Security Council.

The President (Colombia) declared that according to the rules of procedure, questions relating to the credentials of members of the Council were to be determined by the Secretary-General. He called upon the Secretary-General.

The Secretary-General stated that the communication which he had received that morning regarding the question of credentials was signed "Ministry of Foreign Affairs" rather than by any person. His only information concerning the formation of a new cabinet emanated from Baghdad Radio. He noted that article 5 of the ratified Constitution of the Arab Union provided that "The King of Iraq shall be head of the Union, and, in his absence, the King of Jordan shall be the head". Furthermore, he had noted the declarations which King Hussein of Jordan had made regarding the Government which claimed to be the Government in Baghdad. Under the circumstances, he had not felt that the communication was in order as credentials.

<sup>6a</sup> For texts of relevant statements, see :

752nd meeting : President (Iran), paras. 7-8, 10, 13, 17-19, 35 ; Australia, paras. 37-40 ; China, para. 9 ; Cuba, paras. 27-28, 31 ; Peru, paras. 25-26, 43-44 ; USSR, para. 22 ; United Kingdom, para. 20 ; United States, paras. 11, 16, 21 ; Yugoslavia, paras. 32, 34 ; Under-Secretary, paras. 14-15.

<sup>7</sup> S/4007, O.R., 13th year, Suppl. for Apr.-June 1958, p. 33.

The representative of the USSR thought the Security Council should consider and confirm in accordance with the rules the new credentials contained in the communication referred to by the Secretary-General. Iraq was an independent country, and the King of Jordan had no right to give orders to the new Government. No instructions from the King could have binding force on the Security Council, the United Nations and the representative of Iraq. Iraq's seat in the Council could be held only by a legitimate representative of Iraq appointed by the legitimate Government of Iraq, which was the revolutionary Government in Baghdad. Under the United Nations Charter and the rules of procedure, the Security Council was empowered to accept the representation only of the new representative appointed by the Government of Iraq.

The representative of the United Kingdom observed that the credentials of Mr. Abbass as the representative of Iraq on the Security Council had been duly presented to the Secretary-General. It was undoubtedly the legitimate Government of Iraq which had issued those credentials. The representative of Iraq was fully entitled, under rule 16 of the rules of procedure, to take his seat in the Security Council with the same rights as other representatives, and, under rule 17, to continue to sit unless objection to his credentials had been sustained by a vote of the Council. The objection to the credentials of the representative of Iraq should not be upheld, nor should the Council pursue the question of the alleged credentials of the alleged representative of the revolutionary Government.

The representative of Panama observed that the revolutionary Government of Iraq was a *de facto* Government which had not been duly recognized. Under these circumstances, "any objection to the credentials of the representative of Iraq would not be valid on the present occasion".

The representative of the USSR, having cited a communication dated 15 July 1958 from Beirut to the effect that the revolutionary Government of Iraq had asked for a postponement of the emergency meeting of the Security Council and had decided to send a new representative to the United Nations, observed :

"... neither the Security Council nor the Secretary-General nor the King of Jordan have the right to speak either for the people of Iraq or for the Government of Iraq. It is only the Iraq people, the Iraq Government, which can appoint or recall their accredited representatives to the various organs of the United Nations, and specifically to this Council."

The Soviet delegation considered, therefore, that the powers of the present representative of Iraq in the Council were no longer valid.

The representative of Panama replied that there was no need to pass on the question of credentials at that time, that sufficient time had not elapsed to demonstrate that the new Government was in a position to fulfil its international commitments and maintain public order, and that the Council lacked clear and concrete information. He asked that the Council pass to the matter on the agenda.

The President stated :

"Bearing in mind the report submitted by the Secretary-General, and in accordance with rule 17 of the provisional rules of procedure of the Security Council, the President is of the opinion that we should continue with our agenda for this meeting, unless a member of the Council wishes to submit to the vote the question of credentials which was raised by the Soviet Union representative."<sup>8</sup>

The Council decided, without objection, to proceed to consider its agenda.<sup>9</sup>

#### CASE 6

At the 834th meeting on 18 July 1958, in connexion with the letter<sup>10</sup> dated 22 May 1958 from the representative of Lebanon, the Secretary-General submitted, under rule 15 of the provisional rules of procedure, an oral report on the question of the credentials of the representative of Iraq, as follows: First, the Secretary-General had received a letter, dated 15 July 1958 and signed by Mr. A. Joumaro, the Foreign Minister of Iraq, declaring that his Government had appointed Mr. Jawad as the representative of Iraq on the Security Council and that the credentials of Mr. Abbass had been withdrawn. Second, the Secretary-General had previously received a cable, dated 17 July 1958, stating that on 15 July 1958 the Council of the Ministers of the Republic of Iraq had declared the withdrawal of Iraq from the Arab Union with Jordan, and that the Government of the Republic considered as null and void all commitments and obligations which had arisen from that Union. Third, the Secretary-General drew the attention of the Council to article 1 of the Constitution of the Arab Union, that: "The Head of the Union appoints diplomatic representatives of the Union". He observed that this provision had to be read together with article 5 of the Constitution, that: "The King of Iraq shall be the Head of the Union, and in his absence the King of Jordan shall be the Head".

The representative of the USSR maintained that the credentials of the representative of Iraq, Mr. Jawad, were fully in accord with the provisions of rule 13 of the rule of procedure, and that they were duly signed by the Minister of Foreign Affairs of Iraq. There could, therefore, be no doubt that Mr. Jawad was the representative of Iraq on the Security Council. With respect to the observations made by the Secretary-General regarding the provisions of articles 5 and 51 of the Constitution of the Arab Union, the representative of the USSR declared that the Constitution had ceased to exist when the Republic of Iraq withdrew from the Arab Union. Even if objections were made to the credentials of Mr. Jawad, he was to sit in the seat of Iraq, in accordance with rule 17 of the provisional rules of

procedure, until the Security Council had decided the matter.

The representative of the United Kingdom stated that the Security Council had made its position clear at the previous meeting when it had not even found it necessary to vote on the matter. His delegation was not prepared to recognize any document purporting to have issued from the revolutionary authorities in Baghdad as having affected the validity of the credentials of Mr. Abbass.

The representative of Iraq, Mr. Abbass, in reply to the inquiry of the representative of the USSR concerning the identity of the person who had signed his credentials, stated that the letter of credentials had been signed by the Foreign Minister of Iraq before the Union between Jordan and Iraq had become effective. Subsequently, he had been confirmed in his position by the Foreign Minister of the Union who had not deemed it necessary to issue new credentials. The Constitution of the Arab Union stipulated that among the questions which were entrusted to the Government of the Union was foreign affairs, and that all previous matters of foreign affairs would remain in force. After the recent turn of events in Iraq, he had sought a legal interpretation of his position. He had received official communications from Amman stating that, in the absence of the King of Iraq, the King of Jordan had assumed his constitutional authority as the head of the Arab Union and that the direction of foreign affairs of the Union had been transferred to Amman, and directing him to continue to represent Iraq in the United Nations and the Security Council and to receive his instructions from the Ministry of Foreign Affairs in Amman. He had also been notified of the appointment by King Hussein of a new Minister for Foreign Affairs for the Arab Union.

The Secretary-General, in reply to the inquiry of the representative of the USSR, stated that, according to the information available to the Secretariat, the Constitution of the Arab Union, after having received preliminary approval in accordance with the respective constitutions of Iraq and Jordan, had been signed by King Faisal and King Hussein in Baghdad on 12 May 1958, and had come into force on that date. The letter of credentials of Mr. Abbass had been signed by the then Minister of Foreign Affairs on 18 May. Finally, the Secretary-General, in confirmation of the statement made by the representative of Iraq, cited a provision of the Constitution of the Union, which read as follows :

"Article 62(a). The following affairs shall be within the exclusive jurisdiction of the Government of the Union :

"1. Foreign affairs and diplomatic and consular representation."

The representative of the USSR pointed out that only Iraq had been elected as a member of the Security Council. Mr. Abbass sat in the seat of the representative of Iraq, and not of the Arab Union. Two States represented the Arab Union in the United Nations, namely, Iraq and Jordan. After the establishment of the Union, these two States had not merged and had not forfeited

<sup>8</sup> For texts of relevant statements, see :

827th meeting (PV) : President (Colombia), pp. 2, 16-20 ; Panama, p. 6 ; USSR, pp. 2-5, 7-11 ; United Kingdom, p. 6 ; Secretary-General, p. 2.

<sup>9</sup> 827th meeting (PV) : pp. 16-20.

<sup>10</sup> S/4007, O.R., 13th year, Suppl. for Apr.-June 1958, p. 33.

their sovereignty as far as their representation in the United Nations was concerned. This was a different situation from the one which had arisen in connexion with the establishment, by Egypt and Syria, of the United Arab Republic which was represented in the United Nations only by one representative. The credentials of Mr. Abbass, as appeared clearly from the replies made by the Secretary-General and Mr. Abbass himself, were signed by the Minister of Foreign Affairs of Iraq, and not of the Federation. These credentials had been cancelled out by the other credentials signed by the Minister of Foreign Affairs of Iraq and issued to Mr. Jawad. This was a perfectly normal situation which might happen to any or all the representatives on the Security Council. In the present instance, however, the difficulty stemmed not from the juridical situation, but from the political attitude of certain countries toward the new Government of Iraq contrary to the Charter of the United Nations, since no Member could intervene, nor could the Organization itself, in the domestic affairs of Member States.

The President (Colombia) expressed his agreement with the representative of the USSR in considering that the question of the credentials ought to be settled in the light of rule 17 of the provisional rules of procedure. It was the considered opinion of the Chair that this rule should be so interpreted as to indicate that the representative of Iraq who had been occupying the seat of Iraq in the Council should continue to sit in the seat of Iraq, with the same rights as other representatives, until the Council arrived at another conclusion. He added that, in the absence of a motion calling for a vote on the particular matter, the President's ruling was that the Council should continue the discussion of the item on the agenda.

The representative of the USSR observed that a question such as the approval of credentials could not be decided by a mere ruling of the President, for the question required a formal decision by the Council. Since the Council was not yet prepared to take such a

<sup>11</sup> For texts of relevant statements, see :  
834th meeting (PV) ; President (Colombia), p. 21 ; Iraq, pp. 12-15 ; USSR, pp. 5-12, 16-21 ; United Kingdom, p. 11 , Secretary-General, pp. 2-5, 16.

decision, he would reserve his right to raise the question at another more appropriate time.<sup>11</sup>

On 6 August 1958, the Secretary-General submitted a report<sup>12</sup> to the Security Council concerning the credentials of the representative of Iraq. At the 838th meeting on 7 August 1958, before the adoption of the agenda, the President (France), in welcoming Mr. Jawad as the representative of Iraq, drew the attention of the Council to the report.

The report of the Secretary-General referred to the cable,<sup>13</sup> dated 17 July 1958, which had been received from the Minister of Foreign Affairs in Baghdad informing him, *inter alia*, that the Government of Iraq considered all obligations arising from the Arab Union as null and void. In the report, the Secretary-General noted that he had been officially notified by the Government of Jordan that it considered the Constitution of the Arab Union in abeyance and inapplicable. Pursuant to rule 15 of the provisional rules of procedure, the Secretary-General referred to the letter,<sup>14</sup> dated 15 July 1958, from the Minister of Foreign Affairs of the Government of Iraq stating that Mr. Jawad had been appointed as the Iraqi representative in the Security Council. The Secretary-General stated that in his opinion the credentials of the representative of Iraq were in order.

The President further drew the attention of the Council to the letter,<sup>15</sup> dated 5 August 1958, from the Permanent Representative of Iraq to the Secretary-General informing him that the Hashemite Kingdom of Jordan had declared the termination of the Arab Union as from 1 August 1958, and that this had terminated his mission as the Permanent Representative of Iraq to the United Nations, accredited as such by the Government of the Arab Union.

At the 838th meeting on 7 August 1958, Mr. Jawad, the representative of the Republic of Iraq, took his seat on the Security Council.<sup>16</sup>

<sup>12</sup> S/4080.

<sup>13</sup> S/4060, para. 4.

<sup>14</sup> S/4060, para. 3.

<sup>15</sup> S/4081.

<sup>16</sup> 838th meeting (PV) : p. 2.

### Part III

#### PRESIDENCY (RULES 18-20)

##### NOTE

Part III of this chapter is confined to proceedings of the Council directly related to the office of the President. Material relevant to the exercise by the President of his functions under rules relating to other aspects of the practice of the Council will be found also in part V of the present chapter. The functions of the President in connexion with the agenda are dealt with in chapter II.

In connexion with rule 19 is presented an instance in

which the Council availed itself of the services of the President to examine with the parties concerned any proposals which, in his opinion, were likely to contribute to the settlement of a dispute (Case 7). The proceedings summarized in Case 8 relate to the temporary cession of the Chair under rule 20.

The six occasions on which the President has formulated the conclusions reached in the debate are dealt with in chapter VIII (part II, decisions of 25 October



1956, 27 April 1957, 21 and 28 May 1957, 21 February 1958 and 4 June 1958). In connexion with the summary by the President of views expressed at the 779th meeting on 21 May 1957, one member of the Council observed that the President had also summarized certain questions which had been raised by members of the Council. These, he said, reflected the views of individual delegations and not the opinion of the whole Security Council as an organ of the United Nations.

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

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

**a. Rule 19**

**CASE 7**

At the 768th meeting on 15 February 1957, in connexion with the India-Pakistan question, the representatives of Australia, Cuba, the United Kingdom and the United States submitted a joint draft resolution<sup>17</sup> requesting the President of the Security Council, the representative of Sweden, to visit India and Pakistan for the purpose of examining with the two Governments proposals which, in his opinion, were likely to contribute to the achievement of demilitarization or to the establishment of other conditions of progress towards the settlement of the dispute, having regard to previous resolutions of the Council and the United Nations Commission for India and Pakistan and bearing in mind the statements of the representatives of Pakistan and India and the proposal for the use of a temporary United Nations force, and to report to the Council not later than 15 April 1957.

The representative of the United Kingdom observed that the draft resolution provided for a procedure which would, he hoped, enable progress to be made, but not through the medium of public debate during the next few weeks. The President would undertake his task not as the representative of any country but would go with all the authority of the Security Council to make available to the parties his impartial judgement.

At the 769th meeting on 15 February 1957, the representative of France observed that the draft resolution was not in the nature of a substantive decision. It confined itself to prescribing a fact-finding measure and the Council would take no decision on the solution of the Kashmir problem until it had heard the report of its President. The final phrase of operative paragraph 1 was only an "indication".

At the 770th meeting on 18 February 1957, the representative of the USSR submitted amendments,<sup>18</sup> the purpose of which, he said, was to remove from the joint draft resolution provisions to which objection had been raised by one of the parties, but to retain the core of the proposal to send the President of the Council to India and Pakistan.

At the 771st meeting on 18 February 1957, the representative of Colombia, in connexion with the amendments<sup>19</sup> which he had submitted to the joint draft resolution, stated that the President of the Council should be free to examine all the suggestions which had thus far been made, but that the Council could not seek a legal as well as a political resolution at the same time.

At the 773rd meeting on 20 February 1957, the representative of the Philippines observed that, as far as the terms of reference of the President were concerned, it was desirable to mention what kind of proposals he was expected to take up with the Governments of India and Pakistan.

**Decision:** *At the 773rd meeting on 20 February 1957, the USSR amendments were rejected by 1 vote in favour, 2 against, with 8 abstentions. The Colombian amendment was rejected by 1 vote in favour, none against, with 10 abstentions. The joint draft resolution was not adopted. There were 9 votes in favour and 1 against, with 1 abstention (the negative vote being that of a permanent member).*<sup>20</sup>

At the same meeting, the representatives of Australia, the United Kingdom and the United States submitted a joint draft resolution<sup>21</sup> requesting the President of the Security Council, the representative of Sweden, to visit India and Pakistan for the purpose of examining with the two Governments any proposals which, in his opinion, were likely to contribute towards the settlement of the dispute, having regard to the previous resolutions of the Security Council and the United Nations Commission for India and Pakistan, and to report to the Council not later than 15 April 1957.

**Decision:** *At the 774th meeting on 21 February 1957, the joint draft resolution was adopted by 10 votes in favour to none against, with 1 abstention.*

At the same meeting, the President, having expressed his gratitude to the Council, observed that his acceptance of the mission was based on the express understanding that the two parties had declared themselves willing, in pursuance of operative paragraph 2 of the resolution, to co-operative with him in the performance of his functions, and that the result of his mission would largely depend upon the extent of that co-operation.<sup>22</sup>

<sup>17</sup> S/3791/Rev.1 and Corr.1, *O.R.*, 12th year, *Suppl. for Jan.-Mar. 1957*, pp. 8-9. See chapter VIII.

<sup>20</sup> 773rd meeting: paras. 124-126.

<sup>21</sup> S/3792 and Corr.1, 773rd meeting: para. 130.

<sup>22</sup> 774th meeting: para. 79.

<sup>23</sup> For texts of relevant statements, see:

768th meeting: China, paras. 125-126; United Kingdom, para. 20; United States, paras. 37-38; 769th meeting: India \*, para. 48; 770th meeting: Pakistan \*, paras. 129-130; USSR, paras. 143-146; 771st meeting: Colombia, paras. 6-7, 11; 773rd meeting: President (Sweden), para. 152; Philippines, para. 36; USSR, paras. 138-139; 774th meeting: President (Sweden), paras. 81-83; Australia, para. 96; Philippines, para. 93; United Kingdom, paras. 87-88; United States, paras. 90-91; United Nations Representative for India and Pakistan, paras. 83-85.

<sup>17</sup> S/3787, *O.R.*, 12th year, *Suppl. for Jan.-Mar. 1957*, pp. 7-8.

<sup>18</sup> S/3789, *O.R.*, 12th year, *Suppl. for Jan.-Mar. 1957*, p. 8.

On 29 April 1957, the representative of Sweden submitted to the Council, in pursuance of the resolution of 21 February 1957, his report<sup>24</sup> on the mission which he had undertaken as the representative of the Security Council to India and Pakistan. At the 791st meeting on 24 September 1957, the representative of Sweden stated that the submission of his report to the Council terminated his duties under the resolution of 21 February 1957.<sup>25</sup>

#### b. Rule 20

##### CASE 8

At the 814th meeting on 29 April 1958, in connexion with the letter<sup>26</sup> dated 18 April 1958 from the representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council, the President (United States) called on the representative of the USSR on a point or order.

The representative of the USSR inquired whether the President intended to invoke the provisions of rule 20 of the rules of procedure of the Security Council. He stated that his inquiry was occasioned by the fact that at the last meeting of the Council it had been difficult to determine where the statements of the representative of the United States had ended and where the statements of the President of the Council had begun.

The representative of the United Kingdom observed that the question of the application of rule 20 was entirely a matter within the discretion of the President of the Security Council. Rule 20 permitted the President to vacate the Chair when he deemed that the proper fulfilment of the responsibilities of the Presidency required that he should not preside over the Council. He expressed full confidence in the President's ability to conduct the meeting with fairness and impartiality and expressed the hope that the President would not find it necessary to invoke rule 20.

The representatives of France and Panama, in support

<sup>24</sup> S/3821. *O.R.*, 12th year, *Suppl. for Apr.-June 1957*, pp. 12-16.

<sup>25</sup> 791st meeting: para. 8.

<sup>26</sup> S/3990, *O.R.*, 13th year, *Suppl. for Apr.-June 1958*, p. 8.

of the views expressed by the representative of the United Kingdom, maintained that the proceedings of the Council had been conducted in an impartial and regular manner.

The representative of the USSR observed that the question before the Security Council was directly connected with the member of the Council which the President represented. Therefore, his inquiry had been, quite legitimately, addressed to the President and not to the other members of the Council.

The President, after having quoted rule 20 of the provisional rules of procedure, observed:

"... In order to get at the spirit of the rule he has taken note that in parliamentary bodies within a national Government a member will disqualify himself if in his opinion the matter that confronts the body involves his personal interests. Transferring that line of thought to an international body like this, one would conclude that a representative of a Government should disqualify himself if the matter before the international body is one in which his Government has a selfish national interest. In my view that is not the case today. The proposal which is before us is one which involves immediately all the countries which are in the Arctic zone, and it involves only a little bit less immediately the whole world because it involves a question of war and peace."

He stated that the pending question did not involve a selfish national interest for any of the members of the Council, including the United States, and that, therefore, he did not deem it necessary to vacate the Chair.

The representative of the USSR replied that he took note of the President's ruling, although he could not agree with the interpretation which the President had given of rule 20 of the provisional rules of procedure. There was no reference in that rule to the selfish national interest of any State.

The President declared that the Council would proceed with discussion of the item on the agenda.<sup>27</sup>

<sup>27</sup> For texts of relevant statements, see:

814th meeting: President (United States), paras. 12-14; Panama, paras. 6-7; USSR, paras. 2-3, 10-11, 15; United Kingdom, paras. 4-5.

### Part IV

#### SECRETARIAT (RULES 21-26)

##### NOTE

Part IV relates to rules 21-26 of the provisional rules of procedure which delineate the more specific functions and powers of the Secretary-General in connexion with the meetings of the Council. Certain proceedings of the Council shed light on these functions of the Secretary-General in so far as they concern the requirements of the Security Council and are summarized here by virtue of their possible relationship to rule 21 and Article 98.

The proceedings summarized under rule 22 are so classified by virtue of the possible relation of that rule to Article 99 of the Charter.

The Security Council, within the period covered by this *Supplement*, has requested the Secretary-General to undertake a survey of aspects of the enforcement of and compliance with certain of its decisions; subsequently, it has asked him to "continue his good offices with the parties". The case histories listed under rule 23

report statements made by the Secretary-General in connexion with this mandate of investigation and report conferred upon him by the Council. Under rule 23 also will be found a note reflecting the participation of the Secretary-General in private proceedings of the Council.

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. At its 825th meeting on 11 June 1958, the Security Council, in deciding to dispatch urgently an observation group to proceed to Lebanon, authorized the Secretary-General "to take the necessary steps to that end" and asked the observation group to keep the Council "currently informed" through the Secretary-General.<sup>28</sup>

The proceedings referred to in Case 20 are included as of interest in connexion with the application of rule 26 which requires the Secretary-General to prepare documents for consideration by the Council and distribute them, except in urgent circumstances, at least forty-eight hours in advance of the meeting at which they are to be discussed.

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

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

##### **a. Rule 21**

##### **CASE 9**

At the 748th meeting on 30 October 1956, in connexion with the Palestine question, with special reference to steps for the immediate cessation of the military action of Israel in Egypt, the President (France) called upon the Secretary-General, who wished to make a statement.

The Secretary-General reported to the Council receipt of information from the Chief of Staff of the United Nations Truce Supervision Organization. Israel troops had crossed the international frontier and occupied positions in Sinai, in violation of the General Armistice Agreement and the Council's cease-fire order of 11 August 1949. The Chief of Staff had requested the withdrawal of the troops as soon as possible and a cease-fire to take effect at 12.00 local time on 3 October, in which the concurrence of Egypt had also been requested. On 29 October, a United Nations military observer and a radio officer had been expelled from El Auja; against this action the Chief of Staff had protested. The Chairman of the Egyptian-Israeli Mixed Armistice Commission had been informed that the demilitarized zone under Israel control had been mined, thus making impossible access to certain observation posts in the

<sup>28</sup> S/4023, O.R., 13th year, Suppl. for Apr.-June 1958, p. 47. See also chapter VIII under Complaint of Lebanon. For the Secretary-General's statements concerning the functions and duties of the observation group, see: 825th meeting: paras. 89-91; 827th meeting (PV): pp. 32-35; 828th meeting (PV): pp. 23-25; 829th meeting (PV): p. 2; 830th meeting (PV): pp. 22-25; 832nd meeting (PV): pp. 41-45; 834th meeting (PV): p. 16; 835th meeting (PV): pp. 21-30; 837th meeting (PV): pp. 11-12; 838th meeting (PV): p. 147.

area. The Secretary-General had no information concerning replies which might have been made by the Governments of Israel and Egypt. He reminded the Council that it had not been possible for the United Nations Truce Supervision Organization to investigate any of the incidents antecedent to the events of the previous day.<sup>29-31</sup>

##### **CASE 10**

At the 756th meeting on 12 December 1956, in connexion with the question of admission of new Members, the President (Peru) called upon the Secretary-General, who desired to make a statement.

The Secretary-General stated:<sup>32</sup>

"The representative of the Soviet Union referred to a request from the Government of Outer Mongolia to the Secretary-General that I should arrange for facilities for an observer at the United Nations. The observer arrangement here has no legal basis, nor does admittance of an observer have any legal consequences, for example, under the Headquarters Agreement. It is purely a question of protocol and it has to be resolved at the discretion of the Secretary-General. However, as a matter of course, I have established certain rules, which may be found satisfactory or unsatisfactory, but which I do not think it would be useful to discuss here and now. All I want to say is that these rules have been applied also in this case objectively and impartially."

##### **CASE 11**

At the 788th meeting on 6 September 1957, in connexion with the Palestine question, the representative of Iraq inquired of the Secretary-General as to the length of time which might be required by the Chief of Staff of the United Nations Truce Supervision Organization to submit a report on the Jordan complaint against Israel. The Secretary-General replied that a period of ten days or a fortnight would be sufficient and that, if the Council were to be on the safe side, it should decide on a fortnight.<sup>33</sup> It was so decided.<sup>34</sup>

##### **b. Rule 22**

##### **CASE 12**

At the 751st meeting on 31 October 1956, when the Council considered the letter dated 30 October 1956 from the representative of Egypt, the Secretary-General made the following statement:<sup>35</sup>

"Yesterday morning—on the basis of the information then available—I would have used my right to call for an immediate meeting of the Security Council, had not the United States Government in the course of the night taken the initiative.

<sup>29-31</sup> 748th meeting: paras. 13-19.

<sup>32</sup> 756th meeting: para. 81.

<sup>33</sup> For texts of relevant statements, see:

788th meeting: Iraq, para. 86; Secretary-General, para. 90.

<sup>34</sup> 788th meeting: para. 132.

<sup>35</sup> 751st meeting: paras. 1-5.

"Yesterday afternoon—on the basis of reports of the Anglo-French ultimatum to Egypt—I would have acted likewise, had not the substance of the matter already been under consideration as one new aspect of the item proposed by the United States.

"This morning, under my special mandate from the Security Council, which still is formally valid, I would have directed an appeal to the Governments of Israel and Egypt to the effect of the second draft resolution of yesterday, had not the most recent developments rendered my mandate and such an initiative pointless.

"This afternoon I wish to make the following declaration: The principles of the Charter are, by far, greater than the Organization in which they are embodied, and the aims which they are to safeguard are holier than the policies of any single nation or people. As a servant of the Organization, the Secretary-General has the duty to maintain his usefulness by avoiding public stands on conflicts between Member nations unless and until such an action might help to resolve the conflict. However, the discretion and impartiality thus imposed on the Secretary-General by the character of his immediate task may not degenerate into a policy of expediency. He must also be a servant of the principles of the Charter, and its aims must ultimately determine what for him is right and wrong. For that he must stand. A Secretary-General cannot serve on any other assumption than that—within the necessary limits of human frailty and honest differences of opinion—all Member nations honour their pledge to observe all Articles of the Charter. He should also be able to assume that those organs which are charged with the task of upholding the Charter will be in a position to fulfil their task.

"The bearing of what I have just said must be obvious to all without any elaboration from my side. Were the members to consider that another view of the duties of the Secretary-General than the one here stated would better serve the interests of the Organization, it is their obvious right to act accordingly."

The President (France) and the representatives of Australia, Iran, Peru, the USSR, the United Kingdom, the United States and Yugoslavia expressed their confidence in the Secretary-General and offered him the full support of their delegations.<sup>36</sup>

#### CASE 13

At the 754th meeting on 4 November 1956, in connexion with the letter dated 27 October 1956 from the representatives of France, the United Kingdom and the United States concerning the situation in Hungary, the Secretary-General made the following statement:<sup>37</sup>

<sup>36</sup> For texts of relevant statements, see:

751st meeting: President (France), para. 7; Australia, para. 134; Iran, para. 34; Peru, paras. 53-55; USSR, para. 8; United Kingdom, para. 36; United States, para. 6; Yugoslavia, para. 17.

<sup>37</sup> 754th meeting: para. 76.

"Last Wednesday [751st meeting] I had the honour to make before the Council the declaration concerning the views I hold on the duties of the Secretary-General and my understanding of the stands that he has to take. It is certainly not necessary, but all the same I would like to put on record that the observations I made on that occasion obviously apply also to the present situation."

#### CASE 14

At the 755th meeting on 5 November 1956, in connexion with the cablegram dated 5 November 1956 from the Minister of Foreign Affairs of the USSR concerning "Non-compliance by the United Kingdom, France and Israel with the decision of the emergency special session of the General Assembly of 2 November 1956 and immediate steps to halt the aggression of the aforesaid States against Egypt", the President (Iran) called upon the Secretary-General, who wished to make a statement.

The Secretary-General stated:

"...The Council will remember that under the resolution adopted by the General Assembly, I am authorized to pursue efforts in order to achieve a cease-fire. That is the point on which I feel that the Council would like to be informed.

"In replies received to the request for a cease-fire, effective 4 November at 2400, New York time, the Governments of France and the United Kingdom informed the Secretary-General that as soon as the Governments of Israel and Egypt signify acceptance of, and the United Nations endorses a plan for, an international force with the functions prescribed, the two Governments would cease all military action.

"By the adoption of the resolution [1000(ES-1)] of 5 November 1956, providing for the establishment of a United Nations Command, the United Nations General Assembly has taken the first decisive step in the implementation of its previous acceptance in principle of a United Nations Force to secure cessation of hostilities under all the terms established in the resolution [997(ES-1)] of 2 November on that subject.

"The Government of Egypt has, through a message which I received today, accepted the resolution of the General Assembly of 5 November, and may thus be considered as having accepted the establishment of an international force under the terms fixed by the United Nations. The Government of Egypt has further accepted yesterday the request of the Secretary-General for a cease-fire without any attached conditions. It is to be assumed that this acceptance, although referring to the time limits set in my request, is generally valid.

"Today I received from the Government of Israel, in clarification of its first reply to my request for a cease-fire, a statement to the effect that in the light of Egypt's declaration of willingness to cease fire, Israel wishes to confirm its readiness to agree to a cease-fire.

"The conditions for a general cease-fire would thus, it seems, depend on the possibility of an agreement concerning the plan for an international force. The Council is aware of the fact that by tomorrow, on the instructions of the General Assembly, I hope to be able to present such a plan, following up the first decision through which the United Nations Command was established. However, in view of the significance of this specific problem and the situation we are now facing in the cease-fire question and in view of the progress made, I felt that it was appropriate to seek with great urgency a further clarification in order to facilitate progress.

"I have in this situation also to mention that this afternoon I received a letter from the permanent representative of the United Kingdom which I have taken the liberty of having circulated to the members of the Security Council. There is one point in that letter which is in my view of special significance for the progress report I have taken the liberty of presenting. It is the following one: the representative of the United Kingdom states that orders have been given that all bombing should cease forthwith throughout Egypt."

The representative of the USSR pointed out that the question raised by his Government had not become less timely as a result of the explanations which had been given by the Secretary-General. He observed that the Secretary-General, in quoting a sentence from the letter of 5 November from the representative of the United Kingdom concerning the orders for the cessation of bombing throughout Egypt, had unfortunately not quoted the next sentence which read as follows:

"Any other form of air action as opposed to bombing will be confined to the support of any necessary operation in the Canal area."

This sentence obviously meant that certain operations would be carried out in the Canal area. It had been explained to the Council at previous meetings that these operations would receive aerial support, which could be given in the form of parachute troops or rocket missiles. The nature of the United Kingdom reservation with regard to military operations was such that the item which the Government of the USSR had requested the Council to place on its agenda was now just as timely as it had been before.

The Secretary-General replied:<sup>38</sup>

"... I am sure there is no misunderstanding between the representative of the Soviet Union and myself. I felt free to quote only one sentence, as I had given instructions that the letter should be on the table and could be read by all the members. My choice of facts, from the very rich story of this day, was based on my desire to register the points where progress had taken place."

<sup>38</sup> For texts of relevant statements, see: 755th meeting: USSR, paras. 12-13; Secretary-General, paras. 3-9, 19.

## CASE 15

At the 815th meeting on 29 April 1958, in connexion with the letter<sup>39</sup> dated 18 April 1958 from the representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council, the President (United States) called upon the Secretary-General.

The Secretary-General stated:<sup>40</sup>

"It is most unusual, as you know, for the Secretary-General to intervene in a debate of the Security Council. Indeed, it would be out of order and rightly criticized if such an intervention on his part would mean the taking of sides in a conflict before the Security Council.

"... on a previous occasion I have stated as my opinion that the Secretary-General has not only the right but the duty to intervene when he feels that he should do so in support of the purposes of this Organization and the principles laid down in the Charter. Of course, he cannot assume for himself any kind of right to, so to say, 'speak for man', but he must subordinate himself to his duty to express the significance of the aspirations of man, as set out in the Charter, for problems before this Council or the General Assembly.

"You may recall that some time ago, in a Press Conference, I found reason to welcome the decision of the Soviet Union to suspend unilaterally tests of atomic bombs. I did so solely on the basis of an evaluation of the possible impact of this move on the stalemate reached in the disarmament debate. In the same spirit and on the same basis, I wish today to welcome the initiative taken by the United States in presenting a proposal which might break up the stalemate from the angle of a limited system of inspection...

"...

"... I trust that my intervention will not be misinterpreted as a taking of sides, but merely as an expression of profound feelings which are current all over the world and which have a right to be heard here also outside the framework of Government policies.

"I hope that each one of the Governments represented around this table will wish to try out the line of trust as a way out of the disintegration and decline under which we now all suffer."

## c. Rule 23

[Note: At the last of three private meetings (739th, 740th and 741st on 9, 11 and 12 October 1956), in connexion with the Suez Canal question, the Secretary-General made a statement on certain exploratory conversations of the Foreign Ministers of Egypt, France and the United Kingdom, parallel with the private meetings

<sup>39</sup> S/3990, O.R., 13th year, Suppl. for Apr.-June 1958, p. 8.

<sup>40</sup> 815th meeting: paras. 82-90.

of the Council, at which he had been present. At the next public meeting (742nd on 13 October 1956), a draft resolution presented by France and the United Kingdom referred in the preamble to the account given by the Secretary-General and the Foreign Ministers of the "development of the exploratory conversations" and, in the operative part, incorporated "certain basic requirements" which had appeared in the statement by the Secretary-General at the last private meeting.<sup>40a</sup> At the 743rd meeting on 13 October 1956, the Council adopted these parts of the joint draft resolution.<sup>40b</sup>

#### CASE 16

At the 722nd meeting on 4 April 1956, in connexion with the Palestine question, with special reference to the status of compliance given to the General Armistice Agreements and the resolutions of the Security Council adopted during the past year, after the Security Council had, by a unanimous decision, requested the Secretary-General to undertake a survey of the various aspects of enforcement of and compliance with the armistice agreements and three of the Council's resolutions, the President (United States) called on the Secretary-General, who desired to make a statement.

The Secretary-General stated: "41

"... The grave concern about the problems of the Middle East, which has been reflected in the debate, has prompted a unanimous decision of the Council. I share personally this concern and I feel that in the circumstances I should not hesitate to assume the responsibility which the Council has wished to put on my office. The scope of the Security Council's request is well indicated and it has been clarified further in the course of the debate. The specific responsibility which this request puts on the Secretary-General is entirely in line with the character and obligations of his office. It is obvious that this request neither detracts from nor adds to the authority of the Secretary-General under the Charter.

"I note that the Council wants me to explore

<sup>40a</sup> For texts of relevant statements, see :

742nd meeting: President (France), para 32; Egypt \*, paras. 42, 46; United Kingdom, paras. 13-15.

<sup>40b</sup> 743rd meeting: paras. 106-107; S/3675, *O.R.*, 11th year, *Suppl. for Oct.-Dec. 1956*, pp. 47-48. In the week following the consideration of the question by the Security Council and until 19 October 1956, the Secretary-General held a number of private discussions with the Foreign Minister of Egypt in order further to explore and clarify existing possibilities of finding a solution which would meet the basic requirements that had been approved by the Council. On 24 October 1956, the Secretary-General addressed a letter to the Foreign Minister of Egypt, setting forth his conclusions from the observations which had been made in the private talks. He also informed the Foreign Ministers of France and the United Kingdom. On 2 November, the Foreign Minister of Egypt replied. As this reply, together with the letter from the Secretary-General, seemed to the latter to represent a significant further development in the consideration of the matter as initiated by the Council, the Secretary-General circulated the two letters to the members of the Council on 2 November 1956. [S/3728, *O.R.*, 11th year, *Suppl. for Oct.-Dec. 1956*, pp. 120-124.]

<sup>41</sup> 722nd meeting: paras. 51-53.

possible ways of reducing tension along the demarcation lines. The extent to which such an exploration is possible and likely to yield lasting results depends necessarily on the willingness of all the parties concerned to co-operate fully with the Secretary-General in a joint effort inspired by mutual confidence. Assuming the task which the Council has desired me to assume, I trust that I can count on such collaboration.

"I also trust that all those who are interested in a successful outcome of the efforts, but who are not parties to the conflict, will assist the parties and me by restraint in word and action, as without this the difficulties would be unnecessarily increased."

#### CASE 17

At the 723rd meeting on 29 May 1956, in connexion with the report of the Secretary-General to the Security Council, pursuant to the Council's resolution of 4 April 1956 on the Palestine question, the President (Yugoslavia) called on the Secretary-General, who desired to make a statement.

The Secretary-General stated: "42

"... I wish first of all, on this occasion, to pay a tribute to the Governments of the five Member States, parties to the armistice agreements, for their unfailing co-operation with me as the agent of the Security Council. Fully recognizing the difficulties with which some of those Governments were and are faced, I appreciate their efforts to facilitate my task.

"In the conclusions to my report I have indicated my feeling that we are at present in a situation where we may break the previous chain of events...

"I trust that all the parties will try to see what contributions they can now make unilaterally in order to re-establish and maintain the quiet and order so strongly needed as a background for successful efforts to cope with the great practical tasks to be tackled within all the countries concerned. Each step taken in the right direction may call forward similar steps from other sides, and this may start and give direction to a development bringing us further and further from the risk of conflict. There is wide scope for such related unilateral actions in the spirit of co-operation evidenced by the Member States in the course of my negotiations."

#### CASE 18

At the 728th meeting on 4 June 1956, in connexion with the Palestine question, after the Council had adopted a unanimous resolution<sup>43</sup> requesting the Secretary-General to continue his good offices with the parties, the President (Australia) called upon the Secretary-General to address the Council.

<sup>42</sup> 723rd meeting: paras. 9-11.

<sup>43</sup> S/3605, *O.R.*, 11th year, *Suppl. for Apr.-June 1956*, pp. 72-73.

The Secretary-General stated :<sup>44</sup>

"The mandate given to the Secretary-General by the Security Council in the resolution of 4 April 1956 is well known. There is certainly no reason for me to recapitulate the terms of reference. In the resolution passed by the Council this afternoon, the Council has requested me to continue my good offices with the parties in pursuance of the said resolution and with a view to the full implementation of the armistice agreements.

"I wish to say that it is with the best hopes that I shall try to meet this request of the Security Council. The decision of the Security Council gives me the privilege to continue in the spirit in which the work has been begun, thanks largely to the co-operative attitude of all the parties concerned. The analysis of the problems and the reactions to the difficulties and possibilities which I will take as the frame for my work are fully explained in my report to the Security Council on the first part of the Middle East assignment. The debate following the vote of the Council has highlighted points on which deep differences of view exist. It is my firm hope that neither these differences nor any of the expressions they have found here will be permitted to harm the effort on which the United Nations, in co-operation with the parties, has embarked."

#### CASE 19

At the 844th meeting on 15 December 1958, in connexion with the Palestine question with special reference to the letter dated 4 December 1958 from the permanent representative of Israel to the United Nations addressed to the President of the Security Council,<sup>45</sup> the President (Sweden) called upon the Secretary-General who made the following statement :<sup>46</sup>

"It has always been my firm view that no military action in contravention of the cease-fire clauses of the General Armistice Agreements, as reconfirmed in the undertakings of 1956, can be justified, even by prior military action from the other side, except in the case of obvious self-defence, in the most accurate sense of the word, and even then limited to what the actual defence need may reasonably be considered as having warranted ...

"...

"One matter is the consideration of the principles to be maintained and the judgements which they may call for in the case which is before the Council. Another matter, to which I as Secretary-General have to give most serious attention, is the underlying problems which have led to the present state of tension and to the use of force. Whatever these problems, if they are not considered as justifying the use of force, they call, on the other hand, for serious efforts toward a peaceful solution eliminating the cause of friction.

In my opinion, the Chief of Staff has already made commendable efforts to come to grips with those underlying problems. I am convinced that his continuing work in this direction has the fullest support of the Security Council. It is my hope that the parties, likewise, will co-operate with him fully, in a spirit of frankness and reconciliation and guided by the necessity to restore and maintain peaceful conditions.

"I am concerned about the deterioration in conditions around the Hulch region and the northern Demilitarized Zone which has taken place over the year and has led to serious incidents in November and December. I am even more concerned about symptoms indicating that the deterioration is continuing ...

"I wish to draw the attention of the Council to my plan to visit the countries concerned within the near future. It is my intention while there to take up the situation to which I have referred, for most serious consideration by the authorities of Israel and the United Arab Republic, in the hope of breaking the present trend and soliciting their full support for our efforts to attack the underlying problems which are at the source of the tension."

#### Rule 26

#### CASE 20

At the 811th meeting on 18 February 1958, in connexion with the Tunisian question (I), the representative of France observed that a document to which the representative of Tunisia had referred as an addendum to document S/3952 was not listed in the agenda adopted by the Council.

The President (USSR) explained that the document mentioned by the representative of Tunisia had appeared after the circulation of the provisional agenda. It was self-evident that during discussion of an agenda item, members of the Council and persons invited to participate in the debate were entitled to refer to all documents which had been submitted in connexion with the item on the agenda, related to it and had been circulated to the members of the Council.

The representative of France observed that he agreed with the President that all documents regularly submitted to the Council could be referred to in the course of a discussion. Under the rules of procedure, documents were considered to be regularly submitted, so far as the agenda was concerned, only if submitted three days before the meeting of the Council, while other documents, under rule 26, were required to be submitted forty-eight hours before the meeting at which they were to be considered. Consequently, the Council could not at that meeting discuss the documents under reference.<sup>47</sup>

The document was not referred to in the brief discussion which preceded adjournment.

<sup>44</sup> 728th meeting : paras. 159-160.

<sup>45</sup> S/4123.

<sup>46</sup> 844th meeting (PV) : pp. 2-10.

<sup>47</sup> For texts of relevant statements, see :

811th meeting : President (USSR), paras. 38, 40 ; France, paras. 36, 42 ; Tunisia, paras. 35, 39.

## Part V

## CONDUCT OF BUSINESS (RULES 27-36)

## NOTE

As previously in the *Repertoire*, the cases included in this part are less indicative of the routine practice of the Security Council than of special problems which have arisen in that practice; the cases assembled in this part relate to such matters as the following: decisions by the Council to depart from a rule; decisions on the conduct of business in situations not covered or not clearly covered by the rules; and instances where the meaning or applicability of the rules was in doubt. The cases, arranged in chronological order under the respective rules, bear on the following points.

## 1. Rule 27

The order of intervention in the debate (Case 21).

## 2. Rule 30

The submission of a point of order to the Council for decision without prior ruling by the President (Case 22).

## 3. Rule 32, para. 1

The order or precedence of voting on proposals (Case 23).

## 4. Rule 32, para. 2

(a) Requests for a separation of vote (Cases 24 and 25);

(b) The bearing of the application of rule 32, para. 2, on the vote on the whole (Case 26).

## 5. Rule 33, para. 1, sub-paras. 1-6

Motion to adjourn (Cases 27, 31 and 32).

Precedence of motion to refer a matter to a rapporteur (Case 33).

Effect of motion to postpone discussion indefinitely made before the adoption of the agenda (Case 29).

Motions to postpone discussion made after the adoption of the agenda (Cases 31 and 34).

One of the cases listed under rule 33 involved the question whether the Council could commit itself to conclude its discussion of an item by a fixed date (Case 28).

## 6. Rule 33, para. 2

Exclusion of debate after motion to postpone discussion (Case 30).

## \*\*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 21

At the 753rd meeting on 3 November 1956, in connexion with the letter dated 27 October 1956 from the representatives of France, the United Kingdom and the United States concerning the situation in Hungary, the

representative of Yugoslavia, when beginning his statement to the Council, put a question to the representative of Hungary, who had been invited to participate in the discussion, and asked the President (Iran) to let him have an answer before continuing. The President observed that there were three speakers on his list whose consent he must obtain. Two of these having indicated that they preferred to keep their places on the speaker's list, the President called on the representative of Yugoslavia to continue his statement.<sup>48</sup>

## b. Rule 30

## CASE 22

At the 751st meeting on 31 October 1956, in connexion with the letter dated 30 October 1956 from the representative of Egypt, after the representative of Yugoslavia had submitted a draft resolution<sup>49-50</sup> to call an emergency special session of the General Assembly as provided in resolution 377A(V), the representative of the United Kingdom stated that the proposed procedure was out of order and not in accordance with the clear terms of the "Uniting for Peace" resolution. Addressing the President (France), he stated:

"... I feel that I must ask you to take a vote on my contention that the Yugoslav draft resolution is not in order. It is merely to save you embarrassment that I am not suggesting that you should make a ruling on the matter. Therefore I ask for a vote on my contention that the Yugoslav draft resolution is not in order."<sup>51</sup>

The motion of the representative of the United Kingdom was put to the vote and was rejected.<sup>52-53</sup>

## c. Rule 32

## CASE 23

At the 709th meeting on 22 December 1955, in connexion with the Palestine question, with particular reference to a complaint by Syria concerning incidents in the area east of Lake Tiberias, the representative of Syria\*, who had been invited by the Council to participate in the discussion, introduced a draft resolution.<sup>54</sup>

At the 710th meeting on 12 January 1956, the Security Council had before it a letter<sup>55</sup> dated 9 January

<sup>48</sup> For texts of relevant statements, see:

753rd meeting: President (Iran), paras. 24, 29, 31; Australia, para. 28; Belgium, para. 27; United Kingdom, para. 26; Yugoslavia, paras. 23, 30.

<sup>49-50</sup> S/3719, 751st meeting: para. 71.

<sup>51</sup> 751st meeting: paras. 81, 126.

<sup>52-53</sup> 751st meeting: para. 127.

<sup>54</sup> S/3519, O.R., 10th year, Suppl. for Oct.-Dec. 1955, pp. 41-42.

<sup>55</sup> S/3528, O.R., 11th year, Suppl. for Jan.-Mar. 1956, pp. 1-2.



1956 from the representative of the USSR requesting that the Syrian draft resolution be put to the vote with certain amendments proposed by the USSR. At the same meeting, the Council also had before it a joint draft resolution<sup>56</sup> submitted on 11 January 1956 by the representatives of France, the United Kingdom and the United States. The representative of the United Kingdom stated that he would request priority for the joint draft resolution when the time came for the Council to vote.

At the 714th meeting on 18 January 1956, the representative of Yugoslavia submitted a draft resolution.<sup>57</sup>

At the 715th meeting on 19 January 1956, the representative of the USSR stated that, in order to meet the desires of other delegations for a unanimous decision by the Council, he would not press to have priority given the Syrian draft resolution, as amended by the USSR, and would agree that the Yugoslav draft resolution have priority instead.

The President (Peru) observed that priority had also been requested for the three-Power draft resolution.

The representative of the USSR replied that the rules of procedure and the established practice of the Council required draft resolutions to be put to the vote in the order of submission; the Syrian and USSR draft resolution had been submitted before the three-Power draft resolution; there was no legal justification for voting on the three-Power resolution first.

The President declared that:

"...while we have a rule of priority by chronological order, we also have the established practice of the Council and of the General Assembly, under which, if priority is requested, the decision is left to the members' discretion. Therefore, as a request for priority has been made by the three Powers, I shall have to put that motion to the vote, so that the Council itself may decide whether it wishes to give priority to the draft resolution in question."

The representative of the USSR quoted the first paragraph of rule 32 to support the view that noting in the rules justified voting on motions and draft resolutions in any order other than that of their submission; "any other decision that might be adopted by a majority of the members of the Security Council would be contrary to the rules of procedure".

The President offered to treat the Soviet representative's objection as a challenge requiring decision by the Council, observing that

"... the rules of procedure are not exhaustive, and ... it is established practice—and indeed a general rule—for a body to be master of its own rules of procedure, which may be amended if a request to that effect is made in advance."

Following an indication from the representative of the USSR that his remarks had not been intended as a

challenge to the President's ruling,<sup>58</sup> the President put to the vote the proposal to give priority to the joint draft resolution.<sup>59</sup>

#### CASE 24

At the 715th meeting on 19 January 1956, in connexion with the Palestine question, when the Security Council was considering a joint draft resolution<sup>60</sup> submitted by the representatives of France, the United Kingdom and the United States, the representative of the USSR referred to the second paragraph of rule 32 of the rules of procedure and requested that a separate vote be taken on the fourth preambular paragraph of the joint draft resolution.

The representative of the United Kingdom, as the original mover of the joint draft resolution on behalf of the three sponsors, objected to the proposal of the representative of the USSR, and stated that under rule 32 he had the right to insist that the draft resolution be voted on as a whole.

The President (Peru) observed that, in application of rule 32 and in compliance with the request made on behalf of the three sponsors, he would put to the vote the draft resolution.<sup>61</sup>

The joint draft resolution was put to the vote as a whole.<sup>62</sup>

#### CASE 25

At the 722nd meeting on 4 April 1956, in connexion with the Palestine question, when the Security Council was considering a draft resolution submitted by the United States, the representative of the USSR requested a separate vote on the first three amendments proposed by his delegation and on the corresponding paragraphs of the draft resolution. Following the vote on the first amendment, the President (United States) announced that a vote would next be taken on the second amendment. In reply to the renewed request of the representative of the USSR for a separate vote on the corresponding paragraph of the draft resolution, the President declared that this would not be proper. The established procedure required a vote on the amendments first and then on the draft resolution. He added, citing rule 32, that the United States delegation objected to a separate vote.

<sup>58</sup> For texts of relevant statements, see:

709th meeting: Syria, para. 43;

710th meeting: United Kingdom, para. 48;

714th meeting: Yugoslavia, para. 29;

715th meeting: President (Peru), paras. 120, 123, 127-130; USSR, paras. 30, 121-122, 125-126; United Kingdom, para. 48.

<sup>59</sup> S/3530/Rev.3, 715th meeting: para. 141.

<sup>60</sup> S/3530/Rev.2, *O.R.*, 11th year, *Suppl. for Jan.-Mar. 1956*, pp. 3-4.

<sup>61</sup> For texts of relevant statements, see:

715th meeting: President (Peru), paras. 139, 141; USSR, paras. 137-138; United Kingdom, para. 140.

<sup>62</sup> 715th meeting: para. 141.

<sup>56</sup> S/3530, *O.R.*, 11th year, *Suppl. for Jan.-Mar. 1956*, pp. 2-3.

<sup>57</sup> S/3536, *O.R.*, 11th year, *Suppl. for Jan.-Mar. 1956*, pp. 4-5.

The representative of the USSR did not dispute the President's ruling.<sup>63</sup>

Following votes on the succeeding USSR amendments, the United States draft resolution was put to the vote as a whole.<sup>64</sup>

#### CASE 26

At the 749th meeting on 30 October 1956, in connexion with the Palestine question, with special reference to steps for the immediate cessation of the military action of Israel in Egypt, the representative of the United States pointed out that the draft resolution<sup>65</sup> which had been circulated by his delegation represented a unit in its entirety. He requested that the draft resolution be voted on as a whole under rule 32 of the rules of procedure.<sup>66</sup>

The representative of China observed that his delegation had difficulty with sub-paragraph *a* of paragraph 3. If the draft resolution were voted on as a whole, his vote in favour of it would not commit his Government on the sub-paragraph in question.

The draft resolution was put to the vote as a whole.<sup>67</sup>

#### d. Rule 33

#### CASE 27

At the 714th meeting on 18 January 1956, in connexion with the Palestine question, the representative of Iran suggested adjournment.

The representative of the USSR proposed adjournment until 3.00 p.m. the next day. The representative of the United States proposed a recess instead and resumption of the meeting at 8.00 or 8.30 the same evening.

The representative of Iran stated that, under the rules of procedure, the USSR proposal should be put to the vote.

The representative of Yugoslavia suggested, as a compromise, that the meeting be held at 10.30 a.m. the next day.

The President (Peru), after declaring that the rules of procedure made no provision for amendments in such cases, asked the representative of the USSR whether he would accept the Yugoslav amendment or wished his original proposal to be put to the vote.

The representative of the USSR replied that failing adoption of his proposal, he would be satisfied with convening the meeting at 10.30 a.m. the next day.<sup>68</sup>

<sup>63</sup> For texts of relevant statements, see :

722nd meeting : President (United States), paras. 39-40, 43 ; USSR, paras. 38, 41-42.

<sup>64</sup> 722nd meeting : para. 46.

<sup>65</sup> S/3710, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 110.

<sup>66</sup> For texts of relevant statements, see :

749th meeting : China, para. 136 ; United States, para. 124.

<sup>67</sup> 749th meeting : para. 186.

<sup>68</sup> For texts of relevant statements, see :

714th meeting : President (Peru), paras. 118, 120 ; France, para. 119 ; Iran, paras. 105, 112 ; USSR, paras. 107, 122 ; United States, paras. 110, 125 ; Yugoslavia, para. 117.

The USSR proposal and, then, the United States proposal were put to the vote and rejected.<sup>69</sup> The other proposals were not put to the vote and the President adjourned the meeting until 10.30 a.m. the following day.

#### CASE 28

At the 717th meeting on 26 March 1956, in connexion with the Palestine question, the representative of Iran proposed that the meeting be adjourned until Tuesday, 3 April, or Wednesday, 4 April, in order to afford all the parties directly concerned sufficient time to study the draft resolution under consideration by the Council. After some discussion, the representative of Iran, having withdrawn his original proposal, accepted the suggestion that the Council meet on Wednesday, 28 March, on the understanding that the debate would not be concluded until the following week.

The President (United Kingdom) observed :

"... I am bound to say from this Chair that no meeting of the Security Council can commit the next meeting, but, in the light of what I have said already by way of summing up, it does emerge with clarity, on the one hand, that we are unlikely to reach a conclusion next Wednesday but, on the other hand, that we are likely to advance the discussion by having a second meeting on Wednesday of this week.

"...

"The proposal before the Council, therefore, is the proposal by the representative of the United States that the Council should now adjourn and meet again next Wednesday, and I, from the Chair, will add at 3.30 p.m. on that day."

The representative of the USSR suggested an amendment to the summary statement of the President, that the Council decide to meet not only on Wednesday, 28 March, but also "on a day in the first half of next week".

The President replied :

"... I am not at all sure that it would be in order at a meeting today to decide beyond our next meeting... Equally I do not think it would be in order for me to accept an amendment to a summing up. Indeed I do not think it is necessary because I am certain that we can take a decision at this moment, namely, to adjourn the Council until Wednesday, 28 March, at 3.30 p.m. with the understanding that it will not be necessary for us to have another long debate on Wednesday in order to fix our next meeting and that the next meeting after that will be on Tuesday, 3 April. In other words, the decision now is that the Council is adjourned until Wednesday, 28 March, the sense of the meeting being that after that the Council will meet again on Tuesday, 3 April, to resume discussion of the question."<sup>70</sup>

<sup>69</sup> 714th meeting : paras. 123, 126.

<sup>70</sup> For texts of relevant statements, see : 717th meeting : President (United Kingdom), paras. 87, 89, 95 ; Iran, paras. 55-56, 77 ; USSR, para. 94.

## CASE 29

At the 729th meeting on 26 June 1956, when the provisional agenda included the letter dated 13 June 1956 from thirteen Member States concerning Algeria, the representative of the USSR moved, under rule 33 of the rules of procedure, to postpone discussion of the question indefinitely in view of its importance and the need for additional information.

The President (Australia) remarked that, under the rules of procedure of the Council, the first question would normally be the adoption of the agenda. Under rule 33, however, a proposal to postpone indefinitely discussion of the question took precedence over other motions. The Council should, therefore, deal first with the USSR proposal.

The representative of France maintained that adjournment could be requested only after a decision had been taken on the provisional agenda and asked that the Council take a vote on the proposal for adjournment. There could be no question of adjourning a meeting for which the agenda had not been adopted.

The representative of Belgium held that since inclusion of the question in the agenda and not its consideration was at issue, adjournment, on the basis of the arguments advanced by the representative of the USSR, could not properly be contemplated until the question had been placed on the agenda.

The representative of the USSR replied that the question before the Council was whether to adjourn indefinitely the meeting for which the provisional agenda had been proposed. Since rule 33 placed no limitations on the Council in this respect, the USSR proposal was in full conformity with that rule.

The representative of the United Kingdom interpreted the motion of the representative of the USSR to be a request for postponement of the meeting, not of the question. The phrase "postponement of the meeting" did not exist in the rules.

"...According to rule 33...we can suspend a meeting or we can adjourn a meeting, but I have found nothing there which entitles us to postpone a meeting. What we can do—and this is what the rule says—is postpone discussion of the question. But how can we postpone discussion of a question until we have decided to discuss it?

"...

"In my view, therefore, the right course would be to deal, as we normally do, with the first item on our agenda, which is the decision on whether we do or do not adopt our agenda."

The representative of Belgium requested an immediate vote on the USSR proposal.

The President observed:

"The Soviet proposal, as I understand it, is to postpone discussion of the question indefinitely. Since we have not yet adopted the agenda, the effect of this

proposal, if accepted, will be to adjourn the meeting."<sup>71</sup>

The USSR proposal was put to the vote.<sup>72</sup>

## CASE 30

At the 746th meeting on 28 October 1956, in connexion with the letter dated 27 October 1956, from the representatives of France, the United Kingdom and the United States concerning the situation in Hungary, the representative of the USSR, following adoption of the agenda, interrupted a statement by the representative of the United States on a point or order and proposed, under rule 33 of the rules of procedure, to postpone discussion of the question for three or four days, in order to enable the members of the Security Council to obtain the necessary information on the matter.

The President (France) declared that the representative of the USSR had requested an adjournment which, under rule 33, admitted of no debate.<sup>73</sup> Accordingly, he put the proposal of the representative of the USSR to the vote.<sup>74</sup>

## CASE 31

At the 747th meeting on 29 October 1956, in connexion with the letter dated 25 October 1956 from the representative of France, with complaint concerning military assistance rendered by the Egyptian Government to the rebels of Algeria, the President (France) suggested following adoption of the agenda that the meeting be adjourned in order to give the Egyptian delegation, which had just been invited to participate, time to make its preparation. It was so decided.<sup>75</sup>

## CASE 32

At the 753rd meeting on 3 November 1956, in connexion with the situation in Hungary, after the representative of Hungary\* had informed the Council that his Government and that of the Soviet Union were engaged in negotiations on the withdrawal of the Soviet troops from Hungary, the representative of Yugoslavia moved adjournment of the meeting of the Council to a later date in order not to impede the negotiations.

A discussion of the proposal to adjourn followed, during which various alternative proposals were made.

The President (Iran) observed that since there were no further speakers on his list for that meeting, it was automatically adjourned. The Council's task was not to

<sup>71</sup> For texts of relevant statements, see:

729th meeting: President (Australia), paras. 4, 26-27; Belgium, paras. 12, 22; France, paras. 5-8; Iran, para. 9; USSR, paras. 2-3, 14-15; United Kingdom, paras. 19-21.

<sup>72</sup> 729th meeting: para. 27.

<sup>73</sup> For texts of relevant statements, see:

746th meeting: President (France), paras. 47, 53; USSR, para. 48.

<sup>74</sup> 746th meeting: para. 53.

<sup>75</sup> 747th meeting: paras. 10-11.

take a decision on the Yugoslav motion or to discuss further the question of adjournment, but to set a date for its next meeting. He suggested Monday, 5 November, at 10.30 a.m. The representatives of China, Cuba and Peru supported the suggestion of the President.

The representative of Australia moved that the Council meet on 4 November, at 5.00 p.m., as originally proposed by the representative of Cuba.<sup>76</sup>

After further discussion, the proposal of the representative of Australia and, then, that of the President were put to the vote.<sup>77</sup>

#### CASE 33

At the 788th meeting on 6 September 1957,<sup>78</sup> in connexion with the Palestine question under which the agenda included as item (a) a complaint by Jordan, and as item (b) a complaint by Israel, the representative of Iraq, on a point or order, observed that it had been decided at the 787th meeting to consider the order of the debate after listening to the statements of the parties.

The President (Cuba) replied that unless other speakers wished to refer to such matters as postponement of the debate or requests for information concerning the items on the agenda, the question to be discussed by the Council was the order of priority of the items on the agenda.

The representative of the Philippines proposed that the Security Council obtain from the Acting Chief of Staff of the United Nations Truce Supervision Organization a report on the matters involved in the complaint of Jordan and a further report in connexion with the question raised by Israel.

Following discussion of the Philippine proposal, the President, in reply to a further observation from the representative of Iraq, declared that he had made no ruling on the point of order because the representative of the Philippines had proposed something for which provision was made in rule 33(4) of the rules of procedure, i.e., a request to a rapporteur, namely, the Chief of Staff, to submit two reports, a proposal which had found general support in the Council.

#### CASE 34

At the 790th meeting on 9 September 1957, in connexion with the question of admission of new Members, when the Security Council considered resolution 1017 B (XI) of the General Assembly and a joint draft reso-

<sup>76</sup> For texts of relevant statements, see :

753rd meeting : President (Iran), paras. 59, 67, 109, 134-135, 137, 140, 142, 146, 154 ; Australia, paras. 56, 85, 98, 127-128, 143, 152 ; Belgium, para. 115 ; China, para. 111 ; Cuba, paras. 102-103, 110 ; France, paras. 58, 130, 139, 153 ; Hungary \*, para. 62 ; Peru, paras. 95, 125 ; USSR, paras. 132-133 ; United Kingdom, paras. 87-88, 113, 144-145 ; United States, para. 107 ; Yugoslavia, paras. 33-35, 64, 66.

<sup>77</sup> 753rd meeting : paras. 147, 150.

<sup>78</sup> For texts of relevant statements, see :

788th meeting : President (Cuba), paras. 55 and 97 ; Iraq, paras. 51 and 82 ; Philippines, para. 59.

lution,<sup>79</sup> the representative of the USSR proposed to postpone consideration of the question until Viet-Nam had become unified in accordance with the decision of the Geneva Conference of 1954.<sup>80</sup> The President (Cuba) invited discussion of this proposal as having been made under rule 33(5). As there were no speakers, he put the USSR proposal to the vote.<sup>81</sup>

#### CASE 35

At the 813th meeting on 21 April 1958, in connexion with the letter<sup>82</sup> dated 18 April 1958 from the representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council, after the President (United States) had proposed to put to the vote the USSR draft resolution, the representative of the USSR moved to adjourn the meeting until 22 April at 3.00 p.m.

The President, having inquired if there were any discussion on the USSR motion, put the question to the vote. The USSR motion was rejected by 2 votes in favour, 4 against, with 5 abstentions.<sup>83</sup>

The representative of the USSR observed :

"I do not quite understand the import of the vote which has just occurred. I think that if you as President had inquired, as is usually done, whether there are objections to this proposal, the answer would have been as unanimous as it was at the beginning ; nobody wanted to make any remarks. Obviously no one had any objections ; if anybody had had any objections he would have asked to speak. Thereupon, you put the motion to the vote in such a way that the result was a different one.

"I now make a new proposal, and that is that we adjourn this meeting and meet again at 10.30 tomorrow morning."

The President did not consider that his putting of the first USSR motion to the vote was at all unusual. He assumed that all the members understood exactly what they had voted on.

The representative of Canada, speaking on a point of order, stated that his delegation would vote against an adjournment if it were a question of pursuing the Soviet complaint which the Canadian delegation regarded as unfounded and not necessitating any further discussion. If, however, the proposal were to adjourn to discuss disarmament, that would raise another question.

The representative of the USSR stated that he had made the proposal to adjourn in order to have an opportunity to study the statements which had been made during the discussion of the item on the agenda.

<sup>79</sup> S 3881, O.R., 12th year, Suppl. for July-Sept. 1957, p. 34.

<sup>80</sup> For texts of relevant statements, see :

790th meeting : President (Cuba), para. 54 ; USSR, para. 45.

<sup>81</sup> 790th meeting : para. 55.

<sup>82</sup> S/3990, O.R., 13th year, Suppl. for Apr.-June 1958, p. 8.

<sup>83</sup> 813th meeting : para. 144.

He requested that the ordinary procedure which had always been observed in the Council should continue to be observed. He proposed to discuss at the next meeting the item which had already been listed on the agenda, and to adjourn the meeting, under rule 33, until 22 April at 10.30 a.m.

The representative of Colombia observed that the USSR motion for adjournment of the meeting would be contrary to the spirit invoked by the representative of the USSR, when, in his letter of submission to the Security Council, he referred to the primary responsibility of the Council for the maintenance of international peace and security.<sup>64</sup>

The President then put to the vote the USSR motion. The motion was rejected by 6 votes to 2, with 3 abstentions.<sup>65</sup>

<sup>64</sup> For texts of relevant statements, see :

813th meeting : President (United States), paras. 144, 148, 160 ; Canada, para. 150 ; Colombia, paras. 156-159 ; USSR, paras. 140, 145, 146.

<sup>65</sup> 813th meeting : para. 160.

### CASE 36

At the 821st meeting on 4 June 1958, in connexion with the complaints of Tunisia and France, the representative of France proposed to postpone the discussion of the question for a period of two weeks in order to allow direct conversations to proceed.

In response to an invitation from the President to comment, the representative of Tunisia\* stated that he had no objection, in principle, to the proposal made by the representative of France. He recalled that rule 33, paragraph 3, of the rules of procedure provided for the adjournment of meetings "to a certain day or hour". In order to have the decision conform with the rules of procedure, the Security Council should set the date for its next meeting. It would therefore be better to state that the discussion of the present item be adjourned until 18 June.<sup>66</sup>

It was so decided.<sup>67</sup>

<sup>66</sup> For texts of relevant statements, see :

821st meeting : President (China) ; para. 59 ; France : para. 51 ; Iraq : para. 53 ; Tunisia\* : paras. 56-57.

<sup>67</sup> 821st meeting : para. 62.

## Part VI

### \*\*VOTING (RULE 40)

## Part VII

### LANGUAGES (RULES 41-47)

#### NOTE

During the period under review, rules 42-43 regarding interpretation into the two working languages (English, French) have been applied on all occasions except two when consecutive interpretation was waived, as an exceptional measure, in order to expedite discussion or to lighten the heavy work schedule at the time. In the proceedings reported in Case 38, there was some discussion as to the purpose of consecutive interpretation.

#### \*\*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 37

At the 752nd meeting on 2 November 1956, in connexion with the situation in Hungary, the President (Iran) stated that if the speakers whose names were on his list would agree to waive consecutive interpretation of their statements, the Council could avoid holding another meeting that evening. He noted that the suggested procedure was exceptional and would not constitute a precedent. The debate would not be con-

sidered exhausted and other representatives who wished to speak could do so at the next meeting.

The representatives of China, France and Peru signified their agreement with the suggestion of the President, and it was so decided.<sup>68</sup>

### CASE 38

At the 768th meeting on 15 February 1957, in connexion with the India-Pakistan question, the President (Sweden) suggested that because the General Assembly and other organs of the United Nations had a very heavy schedule before them, the Security Council should, as an exceptional measure, dispense with consecutive interpretation of the statements which were to be made. The Council would return to its normal procedure when it began to consider the draft resolution before it.

The representative of the USSR had no objection to the President's suggestion in the circumstances, but disliked the fact that this exception had become a regular practice in the work of the Council. The rules

<sup>68</sup> For texts of relevant statements, see :

752nd meeting : President (Iran), paras. 102, 102-a, 104 ; China, para. 102-c ; France, paras. 102-b, 104-a.

of procedure required the Council to work unhurriedly, so that members could ponder everything that was said. The procedure of consecutive interpretation had been established for that reason. Exceptions to that procedure should be less frequent in the future.

The representative of France associated himself with the views expressed by the representative of the USSR.<sup>89</sup>

The President reiterated the exceptional character of

the departure from the rule and stated that, if there were no objections to his suggestion, he would consider it adopted. It was so decided.<sup>90</sup>

<sup>89</sup> For texts of relevant statements, see :

768th meeting : President (Sweden), paras. 41-42 ; France, para. 46 ; USSR, paras. 43-44.

<sup>90</sup> 768th meeting : para. 47.

## Part VIII

### PUBLICITY OF MEETINGS, RECORDS (RULES 48-57)

#### NOTE

In accordance with rule 49, the verbatim records of each meeting are made available in the working languages (English and French) to the representatives on the 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, 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 time limit for correction. During the period under review, the Security Council held six private meetings ; at the close of each it issued a communiqué through the Secretary-General in accordance with rule 55 of the provisional rules of procedure. On two occasions, the Security Council acceded to requests to publish as annexes to the record of a meeting of the Council certain documents which had been referred to but not read in their entirety in the course of a statement by an invited representative. In the first of those proceedings,<sup>91</sup> the Council on the request of the invited representative decided that the documents should be printed as part of his statement. In the other instance,<sup>92</sup> it was decided only that the documents should be annexed to the record of the meeting without being included as part of the statement of the invited representative.

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

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

##### Rules 48-55

##### CASE 39

At the 735th meeting on 5 October 1956, when the Security Council considered complaints submitted by

<sup>91</sup> Case 40.

<sup>92</sup> Case 41.

France and the United Kingdom against Egypt, and by Egypt against France and the United Kingdom, the representative of the United Kingdom suggested that, after there had been an opportunity for those who wished to state their views in public session, the Council should move into private session in order to explore the possibility of a peaceful solution of the problem.

At the 737th and 738th meetings on 8 and 9 October 1956, the representatives of Australia, France, Iran, Peru, the United States and Yugoslavia supported the suggestion made by the representative of the United Kingdom.<sup>93</sup>

The 739th to 741st meetings, between 9 and 12 October 1956, were held in private. In accordance with rule 55 of the provisional rules of procedure, the Council issued a communiqué at the close of each private meeting.

#### CASE 40

At the 761st meeting on 16 January 1957, in connexion with the India-Pakistan question, the representative of Pakistan\*, who had been invited to participate in the discussion, requested that the Security Council print the texts of some letters to which he referred, as well as other documents, as annexes to his statement before the Council.<sup>94</sup>

**Decision :** *Upon the proposal of the President (Philippines), the Council decided, without objection, to publish the documents as part of the statement of the representative of Pakistan\*, as annexes to the record of the meeting.*<sup>95</sup>

<sup>93</sup> For texts of relevant statements, see :

735th meeting : President (France), para. 100 ; United Kingdom, paras. 94-95 ; United States, para. 160.

737th meeting : Australia, para. 84 ; Iran, para. 58 ; Peru, para. 33.

738th meeting : Yugoslavia, para. 26.

<sup>94</sup> For texts of relevant statements, see :

761st meeting : President (Philippines), paras. 94-95 ; Pakistan\*, para. 96.

<sup>95</sup> 761st meeting : para. 97.

## CASE 41

At the 762nd meeting on 23 January 1957, in connexion with the India-Pakistan question, the representative of India\*, who had been invited to participate in the discussion, stated that at some stage he would ask that certain documents to which he was making reference be circulated as United Nations documents.

The President (Philippines) took the request of the representative of India to mean that he wished the documents to be made part of his statement, and, in view of the bulk of the documents, he consulted the Council on the question whether this should be done.

The representative of India\* expressed the hope that the documents would be published not as part of his statement before the Council, but as United Nations documents.

The representative of the United States observed:

"In the more than four years during which I have been here I have only once seen material incorporated as part of a speaker's statement when he did not actually make the remarks himself. That was last

week, in connexion with the speech of the representative of Pakistan, and if the representative of India asks for the same privilege today I would certainly be willing to grant it to him. However, I do not think that we ought to do it again. I feel that it is a very bad practice to have the record appear as if a representative said something when in fact he did not. I hope, therefore, that we shall be very careful about this, because if we adopt it as a custom it can lead to tremendous abuses, and also to very considerable expense."<sup>96</sup>

**Decision:** *Upon the proposal of the President (Philippines), the Council decided, without objection, to publish the documents as an annex to the statement of the representative of India, and not as part of his statement.*<sup>97</sup>

<sup>96</sup> For texts of relevant statements, see:

762nd meeting: President (Philippines), paras. 28, 30-31; Cuba, para. 37; India\*, paras. 27, 34; United Kingdom, para. 32; United States, paras. 35-36.

<sup>97</sup> 762nd meeting: para. 38.

## Part IX

**\*\*APPENDIX TO PROVISIONAL RULES OF PROCEDURE**