

Chapter I

PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL

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INTRODUCTORY NOTE

This chapter of the *Supplement* contains material pertaining to the practice of the Security Council in relation to all the provisional rules of procedure with the exception of those rules which are dealt with in other chapters as follows: chapter II: Agenda (rules 6-12); chapter III: Participation in the proceedings of the Council (rules 37-39); chapter VII: Admission of new Members (rules 58-60); 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 entered 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 Security Council adopted amendments to its provisional rules of procedure on one occasion when rules 41 to 47 were amended to include Chinese among the working languages of the Security Council and rule 43 was deleted (Case 32). Case histories entered in respect of other rules are confined entirely to those proceedings of the Council in which a question has arisen regarding the application of a certain rule, especially where discussion has taken place regarding variations from the usual practice. As was noted in the previous volumes, the case histories in this chapter do not attempt to provide cumulative evidence of the practices established by 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

Part I deals with the practice concerning the convening of Council meetings and is concerned with interpretation of rules 1-5, which reflect the provisions of Article 28 of the Charter.

During the period under review there was one occasion when the Security Council adopted a consensus without a formal meeting of the Council.

1972

The adoption of the consensus was announced by the President in a document¹ which also contained the text of the consensus. Subsequently the representatives of India and Italy, in separate letters² to the President, took exception to the fact that the Security Council had arrived at a decision without a formal meeting of the Council. The representative of India stated that any action or decision by the Council without a formal meeting, particularly when the provisional rules of procedure had not been suspended, could have serious and far-reaching legal and other consequences. He stressed that the procedure followed should not constitute a precedent for future action by the Council on matters concerning international peace and security.

The representative of Italy stated that his Government would have preferred the adoption of a resolution on the matter at a formal meeting of the Council rather than a decision agreed upon by members of the Council through informal consultations. He asserted that such formal expediences, aimed at circumventing obstacles of a substantial nature, might create a trend toward a further weakening of the significance of decisions taken by the Council.

¹ S/10705, *OR*, 27th yr., *Suppl. for April-June 1972*, p. 128.

² S/10709, *ibid.*, pp. 132-133 and S/10711, *ibid.*, pp. 133-134.

During the period under review there were no special instances of the application of rules 1-4.

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

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

Rule 5

CASE 1

In accordance with the decision taken at the 1625th meeting on 11 January 1972,³ and in pursuance of Security Council resolution 308 (1972) of 19 January 1972, the Council held thirteen meetings⁴ in Addis Ababa from 28

³ At the 1625th meeting on 11 January 1972, the Security Council considered the item entitled "Request of the Organization of African Unity concerning the holding of meetings of the Security Council in an African capital" and acceded in principle to that request. It also decided to establish a committee composed of all members of the Security Council to be called the Security Council Committee on Council Meetings away from Headquarters, to examine the question in all its aspects and to draft general guide lines that could be applied in all similar situations that might arise in the future. The Committee submitted its report (S/10514) on 18 January 1972, containing a series of recommendations and a draft resolution under which the Security Council would *inter alia* decide to hold meetings in Addis Ababa from 28 January to 4 February 1972. At the 1626th meeting on 19 January the recommendations contained in the Committee's report and the draft resolution were adopted without objection as representing the consensus of the views of the members of the Council. The draft resolution was adopted unanimously as resolution 308 (1972).

⁴ 1627th-1639th meetings.

January to 4 February 1972 to consider questions relating to Africa.

CASE 2

In accordance with the decision taken at the 1685th meeting on 16 January 1973⁵ and in pursuance of Security

⁵ At the 1685th meeting, on 16 January 1973, the Security Council considered the item entitled "Request of Panama concerning the holding of meetings of the Security Council in Panama City" and *inter alia* acceded in principle to that request. It also decided to ask the Security Council Committee on Council Meetings away from Headquarters to consider all aspects of the Council's requirements, to make recommendations on technical, administrative, financial, legal, political and other aspects of the question, including the precise formulation of an agreed agenda and to report

Council resolution 325 (1973) of 26 January 1973, the Council held ten meetings⁶ in Panama City from 15 to 21 March 1973 to consider measures for the maintenance and strengthening of international peace and security in Latin America.

to the Security Council. The Committee submitted its report (S/10868) on 25 January 1973 containing a series of recommendations and a draft resolution under which the Security Council would *inter alia* decide to hold meetings at Panama City from 15 March to 21 March 1973. At the 1686th meeting on 26 January, the recommendations contained in the Committee's report and the draft resolution were adopted without objection as representing the consensus of the views of the members of the Council. The draft resolution was adopted unanimously as resolution 325 (1973).

⁶ 1695th-1704th meetings.

Part II

REPRESENTATION AND CREDENTIALS (RULES 13-17)

NOTE

Since 1948, the reports of the Secretary-General on the credentials of the representatives of members of the Security Council have been circulated to the delegations of all Council members, and, in the absence of a request that they be considered by the Council, have been considered approved without objection. In practice, however, the credentials under rule 13 have been submitted and reported on by the Secretary-General only at times when changes in the representation of members of the Council have been made and when at the beginning of each year the representatives of the newly elected non-permanent members of the Security Council are designed. This practice has been followed up to the present.

During the period under review, there was one instance when the Secretary-General was informed by telegram by the "Foreign Minister" of a Member State that its permanent representative had been released from his post and duties and that his successor was on his way to New York with his credentials. The telegram had requested that the Security Council adjourn for twenty-four hours in order to enable the new permanent representative to arrive in New York and attend the Security Council session. The Council, after being informed of the contents of the telegram, agreed to adhere to its decision taken at an earlier meeting to invite the Member State to participate in the debate and to hear an address by its Head of State who, the Council further agreed, would be received in that capacity with respect to the debate in question (Case 3). The Council further agreed that in respect of the current debate, the Permanent Representative in question, having been duly accredited by his Head of State was to be regarded as representing his country.

**1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 13-17

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 13-17

Rule 13

CASE 3

At the Security Council's 1780th meeting on 19 July 1974, in connexion with the situation in Cyprus, the President (Peru) drew the Council's attention to two telegrams addressed to the Secretary-General signed "Dimitriou, Minister of Foreign Affairs, The Republic of Cyprus." He then proceeded to read the text of the telegrams. The first read as follows:

I have the honour to inform Your Excellency that by decision of the Government of the Republic of Cyprus as from 15th July 1974 the till then Permanent Representative of Cyprus to the United Nations Mr. Zenon Rossides has been released from his post and duties. Accept, Excellency, the assurances of my highest consideration.

The second telegram read as follows:

Excellency I hereby have the honour to inform you that His Excellency the Ambassador Mr. Loukis Papafilippou has been designated as Permanent Representative of the Republic of Cyprus to the United Nations, and he will be arriving in New York within the next twenty-four hours accompanied by members of the Cyprus delegation to the United Nations. His credentials and those of the Cyprus delegation will be presented to you by him personally. In order that the new Permanent Representative of the Republic of Cyprus to the United Nations may be able to attend the Security Council session of Cyprus, which is scheduled for today, I hereby request an adjournment of the meeting of the Security Council for twenty-four hours.

After reading out the text of the above two telegrams the President stated:⁷

The members of the Security Council took note of the information given by the Secretary-General. They are agreed that in respect of the current debate on the situation in Cyprus, in which Cyprus was invited to participate, at its request, by decision of the Security Council taken at the 1779th meeting, the President of Cyprus, His Beatitude Archbishop Makarios, who had expressed the wish to address the Council, would be received in that capacity.

⁷ For text of the President's statement, see 1780th meeting: President, opening statement.

Consequently Ambassador Rossides, having been duly accredited by the Head of State of Cyprus, is to be regarded as representing Cyprus in the current debate on the situation in Cyprus in the Security Council. Accordingly, if I hear no objection, I shall invite His Beatitude Archbishop Makarios and the representatives of Turkey and Greece to take seats at the Council table. I now request the Chief of Protocol to escort His Beatitude Archbishop Makarios into the Council chamber and to the seat reserved for Cyprus.

His Beatitude Archbishop Makarios then made a statement.⁸

⁸ 1780th meeting: President Makarios, statement.

Part III

PRESIDENCY (RULES 18-20)

NOTE

Part III of this chapter deals with proceedings of the Council directly related to the office of the President.

During the period under review, there were two cases of special interpretation of rule 18 which deals with the monthly rotation of the Presidency of the Council (Cases 4 and 5), and one case falling within the purview of rule 19 (Case 6). There was one case of special interpretation of rule 20 on the temporary cession of the chair.

The Security Council has continued to resort to informal consultations as a procedure for facilitating the reaching of its decisions. Agreements or consensus resulting from such consultations have, in some instances, been presented to the Council by the President in the form of a statement of consensus or a draft resolution, which the Council, at its formal meeting, would then approve without further debate.⁹ In other instances such agreements or consensus have been announced by the President in notes circulated as Security Council documents.¹⁰

Material relevant to the exercise by the President of his functions in connexion with the agenda is dealt with in chapter II. The exercise of President's functions in the conduct of a meeting is reflected in the material included in part V of this chapter.

⁹ For texts of such statement or draft resolution, see S/10535, *OR*, 27th yr., *Suppl. for January-March 1972*, p. 42; S/10699 adopted without change as resolution 315 (1972); S/10705, *OR*, 27th yr., *Suppl. for April-June 1972*, p. 128; S/10847 adopted without change as resolution 324 (1972); S/10934, *OR*, 28th yr., *Suppl. for January-March 1973*, p. 58; S/10946, adopted without change as resolution 334 (1973); S/11154, adopted without change as resolution 343 (1973); S/11301, adopted without change as resolution 349 (1974); S/11350, adopted without change as resolution 353 (1974); S/11369 adopted without change as resolution 354 (1974); S/11400, adopted without change as resolution 355 (1974); S/11446, adopted without change as resolution 357 (1974); S/11448, adopted without change as resolution 358 (1974).

¹⁰ For texts of such notes, see S/10611, *OR*, 27th yr., *Suppl. for April-June 1972*, p. 32; S/10705, *ibid.*, p. 128; S/10922, *OR*, 28th yr., *Suppl. for April-June 1973*, p. 37; S/11072, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, pp. 208-209; S/11229, *OR*, 29th yr., *Suppl. for Jan.-March 1974*, pp. 108-109.

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

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

Rule 18

CASE 4

The 1731st meeting of the Security Council held on 17 July 1973 was presided over by the deputy permanent representative of the United Kingdom in the absence of the permanent representative. Taking note of this, the representative of the USSR, who was also the deputy permanent representative of his country congratulated his United Kingdom counterpart on presiding over the Security Council which he observed was "in breach of a tradition ... whereby only permanent representatives have presided over the Security Council." He added: "It seems to me that this is the first case where this honourable seat has been occupied by someone other than a permanent representative". The President however replied that it was not a precedent.¹¹

CASE 5

At the 1788th meeting on 31 July 1974, in connexion with the situation in Cyprus, the representative of the USSR stated: "We can sit until the small hours of the morning if you like and when 12 midnight comes, I shall be moving to the President's chair because it is our turn to take the presidency of the Council".¹²

Rule 19

CASE 6

At the 1637th meeting on 3 February 1972, in connexion with the consideration of questions relating to

¹¹ For text of relevant statements, see: 1731st meeting, President (United Kingdom), para. 4; USSR, para. 3.

¹² For texts of relevant statements, see 1788th meeting: USSR, last intervention; UK, last intervention.

Africa the Council had before it a draft resolution¹³ sponsored by Argentina which, in its operative paragraph 1 read as follows:

Invites the Secretary-General, in consultation and close co-operation with a group of the Security Council, made up of the representatives of ... and ..., to initiate as soon as possible contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principles of human equality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations.

At the same meeting, the representative of Italy proposed that the group of the Security Council referred to in operative paragraph 1 be composed of the representatives of Argentina and Somalia. The representative of the USSR asserting that the group should be more representative

¹³ S/10376/Rev.2, adopted without change as resolution 309 (1972).

proposed that "the composition of the group should be six countries, let us say, including Italy".

At that point the representative of Somalia intervened and stated as follows:

It is not customary in the Secretary Council for persons or States to be proposed across the floor for membership in particular committees. Rather the matter is left to the President, because he is in constant communication with each member of the Council and is able to assess where the consensus lies.

"I would suggest that we follow past practice, Mr. President, and that, in the course of your consultations this evening or tomorrow, you ascertain what is the consensus on two points: the number which should constitute the group and the States which should become members of that group.

I am sure that you will be able to announce a consensus that will be acceptable to all the members of the Council.¹⁴

¹⁴ For texts of relevant statements, see: 1637th meeting: Italy, para. 53; Somalia, para. 182; USSR, para. 181.

Part IV

SECRETARIAT (RULES 21-26)

NOTE

This part relates to rules 21-26 of the provisional rules of procedure, which delineate the specific functions and powers of the Secretary-General, under Article 98 of the Charter, in connexion with the meetings of the Security Council.

Within the period under review, the Secretary-General has been requested or authorized (i) to enter into negotiation with the Governments of Ethiopia and Panama with a view to concluding an agreement to hold Security Council meetings in those countries;¹⁵ (ii) to initiate contacts with all parties concerned with a view to establishing necessary conditions to enable the people of Namibia to exercise their right of self determination;¹⁶ (iii) to proceed in the manner outlined in his memorandum in regard to Lebanon's request for additional United Nations observers on the Israeli-Lebanon border;¹⁷ (iv) to organize financial, technical and material assistance to Zambia to enable it to carry out its policy of economic independence from Southern Rhodesia;¹⁸ (v) to invite Mr. Gunnar Jarring, special representative of the Secretary-General, to be available during the Security Council meetings on the situation in the Middle East;¹⁹ (vi) to take measures for immediate dispatch of United Nations observers to supervise the observance of the cease-fire between Israeli and Egyptian

forces;²⁰ (vii) to keep the Council informed on developments in negotiation at the Middle East peace conference and to provide all necessary assistance and facilities for the work of the conference;²¹ (viii) to lend all assistance requested by Iran and Iraq in connexion with their agreement to undertake certain steps to improve their relations;²² and (ix) to provide emergency humanitarian assistance to all parts of the population of Cyprus.²³

In a number of instances, the Secretary-General has also been requested to follow the implementation of resolutions or to keep certain questions under review, reporting on their developments to the Council as he deemed appropriate.²⁴ Furthermore, the Secretary-General has, when appropriate, submitted reports on developments relating to the maintenance of international peace and security in response to the Council's requests contained in resolutions or during meetings.

²⁰ Resolution 339 (1973) of 23 October 1973.

²¹ Resolution 344 (1973) of 15 December 1973.

²² Resolution 348 (1974) of 28 May 1974.

²³ Resolution 361 (1974) of 30 August 1974.

²⁴ In connexion with the situation in Namibia, resolution 309 (1972) of 4 February 1972; resolution 310 (1972) of 4 February 1972; resolution 323 (1972) of 6 December 1972; resolution 342 (1973) of 11 December 1973; in connexion with the question relating to territories under Portuguese administration, resolution 312 (1972) of 4 February 1972; resolution 322 (1972) of 22 November 1972; in connexion with the situation in the Middle East, resolution 317 (1972) of 21 July 1972; resolution 340 (1973) of 25 October 1973; resolution 346 (1974) of 8 April 1974; resolution 350 (1974) of 31 May 1974; resolution 363 (1974) of 29 November 1974; in connexion with the situation in Cyprus, resolution 353 (1974) of 20 July 1974; resolution 355 (1974) of 1 August 1974.

¹⁵ Resolution 308 (1972) of 19 January 1972 and resolution 325 (1973) of 26 January 1973 respectively.

¹⁶ Resolution 309 (1972) of 4 February 1972.

¹⁷ Consensus of 19 April 1972, S/10611, *OR*, 27th yr., *Suppl. for April-June 1972*, p. 32.

¹⁸ Resolution 329 (1973) of 10 March 1973.

¹⁹ Resolution 331 (1973) of 20 April 1973.

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

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

Rule 21

CASE 7

At the 1643rd meeting on 26 February 1972, in connexion with the situation in the Middle East, the representative of Japan after expressing concern about the loss of life and property resulting from a serious incident involving Israel and Lebanon, recalled a letter by the Secretary-General addressed to the Governments of Israel and Lebanon on 18 August 1969²⁵ in which he proposed the stationing of United Nations Observers on the territory of both sides. The representative of Japan then referred to the impending absence of the Secretary-General from New York and requested him to give the necessary instructions to his representative so that he could explain the views of the Secretary-General in detail if the question of the stationing of United Nations Observers were raised in future proceedings of the Council.

The representative of the USSR, also referring to the Secretary-General's letter proposing the stationing of observers on the Israeli-Lebanese border, stressed that the Secretary-General's proposal was made without "the agreement of the Security Council and without the Security Council's knowledge in fact" and added, "I believe that, in accordance with existing practice and the provisions of the Charter, such a proposal on the part of the Secretary-General should have been made only on the decision of the Security Council and not independently."²⁶

CASE 8

At the 1745th meeting on 11 October 1973, in connexion with the situation in the Middle East, the Secretary-General, after referring to his statement relating to the Middle East that had been circulated earlier as a Security Council document,²⁷ proceeded to read out the concluding portion of that statement, which was as follows:

I have no illusions about how difficult it is for countries in conflict to turn from war to peace. I have no wish to deflect any Government from what it believes to be its legitimate sovereign aims. I do, however, question whether the continuation of the war can possibly achieve those aims permanently for any of the parties. I am also deeply concerned at the wider threat to international peace and security which this situation may create.

I therefore earnestly appeal to the conflicting Governments to consider alternative courses before it is too late, so that fighting and bloodshed may cease. I also hope that the members of the Security Council, as well as other Member States, will redouble their efforts to seek an end to the fighting and an immediate and determined resumption of the quest for a just and lasting settlement in the Middle East.

After the Secretary-General's statement, the representative of Egypt stated that he would like to assure the Secretary-General "that we are going to study his state-

ment, which I am sure he made as the Secretary-General of the United Nations within the framework of the United Nations Charter and United Nations resolutions".²⁸

CASE 9

At the 1770th meeting on 28 May 1974, in connexion with the complaint by Iraq concerning incidents on its frontier with Iran, the Council adopted a draft resolution,²⁹ which, under operative para. 4, invited the Secretary-General to lend whatever assistance may be requested by both countries in the settlement of all existing disputes between them.

Before the vote, the representative of the USSR in the course of a statement, made the following observation:

As regards operative paragraph 4 of the draft resolution, we would of course have preferred it to indicate that in discharging his mandate from the Security Council the Secretary-General would act in accordance with and with the approval of the Security Council, in the first instance in matters concerning the nature and scope of assistance to the parties in the settlement of disputatious matters if such assistance is to be forthcoming. At the same time, we take into account the explanations of the parties, and also the declaration by the representative of Iraq at the consultative meeting of members of the Security Council, with which the representative of the United States associates himself and against which the representatives of other countries raised no objection. The essence of the matter is that the Secretary-General will act in accordance with the Security Council. Taking that into account, we do not insist on inclusion in the draft resolution of a special provision on the understanding that if the parties should request assistance of the Secretary-General he will of course agree with the Security Council on the nature and extent of such assistance.

After the vote, the representative of the United Kingdom, referred to the above statement by the representative of the USSR and declared:

If I may say so, it is not possible for my delegation to accept the gloss that the representative of the Soviet Union sought to put upon the resolution that we have accepted here today. It seemed to us that in his closing remarks Mr. Malik attempted to introduce an entirely new and, if I may say so, discordant element into our proceedings today—namely, the precise relationship between the Secretary-General and the Security Council when a dispute of this nature has been brought to the Council and to the United Nations. In our view, it is not appropriate to discuss a matter of that category and that importance on a resolution dealing with an agreement entered into bilaterally between the parties to a dispute—particularly, if I may say so, when no amendment to that effect has been moved to paragraph 4 of the draft resolution, although, as we all know, in the informal consultations that took place between the members of the Security Council the representative of the Soviet Union had given some indication of his readiness and his intention to move such an amendment.

Therefore I think it is necessary for me to place on record that nothing in this resolution, and indeed nothing that has taken place in the Security Council today, and certainly, with great respect, nothing that has been said unilaterally by the representative of the Soviet Union, has in any way altered the relationship that exists between the Secretary-General and the Security Council of the United Nations. If that is a matter that is to be discussed; no doubt there will be an appropriate time and an appropriate forum in which to discuss it, but this is not that time and this is not that forum. No doubt the Secretary-General would wish to confer with and consult the Security Council as he thought fit. I find it very difficult to believe—indeed I find it impossible to believe—that if anything of substance were to happen in relation to this particular dispute the

²⁵ S/9393, *OR*, 24th yr., *Suppl. for July-Sept. 1969*, p. 157.

²⁶ For texts of relevant statements, see: 1643rd meeting: Japan, para. 132, USSR, para. 192.

²⁷ S/11021, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 75.

²⁸ For texts of relevant statements, see 1745th meeting: the Secretary-General, first intervention, Egypt, first intervention.

²⁹ S/11291, adopted without change as resolution 348 (1974) of 28 May 1974.

Secretary-General would wish to act without coming to the Security Council to hear our views.

The representative of Australia similarly stated:

If they should need in the future to call at any time on the Secretary-General for his assistance, members of the Council can, I feel sure, expect that the Secretary-General will keep the Council informed of what he is asked to do and what he proposes to do in the interest of agreement between the parties in resolving any outstanding problems between them.³⁰

CASE 10

At the 1810th meeting on 13 December 1974, in connexion with the situation in Cyprus, the representative

³⁰ For texts of relevant statements, see: 1770th meeting: Australia, first intervention; USSR, first intervention; United Kingdom, first intervention.

of Turkey stated that he wished to ask the Secretary-General as to who were "the parties concerned" referred to in paragraph 81 of the report of the Secretary-General³¹ as having been consulted and having given their consent to the extension of the stationing of the United Nations Peace-keeping Force in Cyprus for a further period of six months."

In reply to the question by the representative of Turkey, the Secretary-General replied:

I wish to inform the Council that through my Special Representative in Cyprus, I consulted the acting President, Mr. Clerides and the Vice-President, Mr. Denktash, and I also consulted the Governments of Greece and Turkey.³²

³¹ S/11568, *OR*, 29th yr. *Suppl. for Oct.-Dec. 1974*, pp. 50-59.

³² For texts of relevant statements, see: 1810th meeting (PV): Secretary-General, first intervention; Turkey, first intervention.

Part V

CONDUCT OF BUSINESS (RULES 27-36)

NOTE

Part V sets out the cases bearing on rules 27 to 36. Cases relating to rules 37 to 39 are contained in chapter III, "Participation in the proceedings of the Security Council." Chapter V, which deals with the subsidiary organs of the Council, should be consulted in connexion with rule 28. During the period under review, there were no special instances of the application of rules 29, 34, 35 and 36.

As in the previous volumes of the *Repertoire*, the cases assembled in this part are indicative of the special problems which have arisen in the application of the rules on the conduct of business, rather than the routine practice of the Security Council. They relate to such matters as the following points:

1. Rule 27

The order of intervention in the debate (Cases 11-18) and on limiting statements in the exercise of right of reply.

2. Rule 30

The extent to which the President would rule on a point of order (Cases 19-21). There have been a number of instances during the period under review in which representatives, having requested to be recognized on a point of order, made statements on matters on which no ruling was required. Such instances were not included in the study.

3. Rule 31

The requirement of written submission for proposed resolutions, amendments and substantive motions (Cases 22-26).

4. Rule 32

Request for separation of vote (Case 27).

5. Rule 33

On suspension and adjournment of meetings (Cases 28-29).

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

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

Rule 27

CASE 11

At the 1633rd meeting held in Addis Ababa on 1 February 1972, in connexion with the consideration of questions relating to Africa, the Council began hearing statements by individuals invited under rule 39 of the provisional rules of procedure. After a number of such individuals had spoken, the President (Sudan) announced that although two more invitees under rule 39 remained to be heard, he would defer their statements and call on the Secretary-General of the Organization of African Unity, who had to leave early on account of a social engagement, to address the Council. The two individuals would be called upon instead to speak at the meeting the following morning after members of the Council had made their statements.

After the representative of Belgium had stated that statements of individuals invited under Article 39 should be separated from statements of members of the Council, the President said that he would proceed accordingly.³³ Consequently, at the meeting the following morning, the President called upon the two invitees to make their statements, prior to giving the floor to members of the Council.

³³ For texts of relevant statements, see: 1633rd meeting: President (Sudan), para. 132; Belgium, para. 136.

CASE 12

At the 1717th meeting on 6 June 1973, after the list of speakers had been exhausted on the agenda item concerning the situation in the Middle East, the President (USSR) informed the Council that the representative of Israel had asked for the floor in order to exercise the right of reply. The President added:

In view of the time factor, I consider it necessary, in calling on him, to draw attention to one of the provisions in the conclusions of the Special Committee on the Rationalizations of the Procedures and Organization of the General Assembly approved by the General Assembly in its resolution 2837 (XXVI). Paragraph 77 of those conclusions states, with regard to the "right of reply", that the Special Committee recommends to the General Assembly that delegations should use restraint in the exercise of their right of reply, both in the General Assembly and in the Main Committees, and that their statements in exercise of that right should be as brief as possible.

141. This is a rule of procedure of the General Assembly and it might be objected that it does not apply to the Security Council, but, none the less, in view of the time factor, I felt it necessary to recall this working practice of the General Assembly.³⁴

CASE 13

At the 1744th meeting on 9 October 1973, in connexion with the situation in the Middle East, the President (Australia) referring to the news of heavy casualties suffered by United Nations personnel and by those of other diplomatic missions in Damascus as a result of Israeli bomb attacks earlier in the day, stated that in view of the circumstances that had arisen, "I have agreed to waive rule 27 of the provisional rules of procedure to enable members who have asked to do so to speak in terms of condolence in respect of the tragic news that has reached us." He then appealed to members to "confine their remarks to the immediate subject on which account I have waived rule 27 and be as brief as the circumstances allow them to be."³⁵

CASE 14

At the 1747th meeting on 21 October 1973, after the representative of Israel had made a statement in connexion with the situation in the Middle East, the representative of Saudi Arabia having requested the floor in order to exercise the right of reply indicated to the President (Australia) that if there were other members inscribed on the list of speakers he would defer to them and exercise the right of reply later.

When the President declared that there were no further names on the list of speakers, the representative of India stated that he would like to speak next as he had been unable to inscribe his name on the list of speakers owing to the hurry in which the meeting had been convened. He also suggested that the representative of Saudi Arabia be given the floor to exercise the right of reply after members of the Council had made their statements and voted on the draft resolution under consideration. The representative of Saudi Arabia agreed to that suggestion.

³⁴ For the text of the President's statement, see 1717th meeting, paras. 140, 141.

³⁵ 1744th meeting, following the first intervention by the USSR.

After the representative of India had made his statement, the President called on other representatives who had subsequently indicated their desire to speak before the vote. Just before the voting the representative of Saudi Arabia again asked for the floor but the President reminded him that the understanding was for the representative of Saudi Arabia to speak after the voting had been completed. The representative of Saudi Arabia then replied: "I will speak after the voting, Mr. President, if you insist However, I do not see why an exception should be made with regard to my request. Still, I am in your hands, but I do not want anybody to say that you took advantage of me, because we are friends."

Immediately following the vote, after the President had called on the representative of Yugoslavia to explain his vote, the representative of Saudi Arabia raised a point of order and stated: "My understanding was that I would take the floor after the voting. I do not know whether explanations of vote are part and parcel of the voting. The vote is one thing, and an explanation of vote is another. I do not want to be left to the last. I was generous with my colleagues, although I could have exercised my right of reply as Mr. Tekoah did. But generosity has gone far enough. May I now take the floor?"

The President then asked the representative of Saudi Arabia "to be patient a little longer while I call on the representative of Yugoslavia; then I shall call on the representative of Saudi Arabia."

Following the statement by the representative of Yugoslavia, the representative of Saudi Arabia made a statement in the exercise of the right of reply.³⁶

CASE 15

At the 1748th meeting on 23 October 1973, in connexion with the situation in the Middle East, the representative of India, after being called upon by the President to speak in explanation of vote stated: "Mr. President, I have had a private message that the Foreign Minister of Egypt would like to speak at this stage. If that is so, I should be glad to yield to him."

The President (Australia) replied: "I would suggest to the representative of India that we maintain the order of speakers on the list, and particularly that we allow those representatives who wish to explain their votes to do so before any other statements are heard. I would ask the representative of India to proceed."³⁷

CASE 16

At the 1749th meeting on 24 October 1973, in connexion with the situation in the Middle East, the

³⁶ For texts of relevant statements, see: 1747th meeting: President (Australia), following the third intervention by Israel, the first intervention by Panama, before and after the vote, and following the first intervention by Yugoslavia; India, following the third intervention by Israel; and Saudi Arabia, following the third intervention by Israel, the first intervention by Panama, before and after the vote, and following the first intervention by Yugoslavia.

³⁷ For texts of relevant statements, see: 1748th meeting (PV): President (Australia) and India, following the first intervention by France.

representative of Israel, who was given the floor in exercise of the right of reply immediately following a statement by the representative of the USSR, pointed out that his name was inscribed on the list of speakers before that of the representative of the USSR and that according to rule 27 of the provisional rules of procedure representatives were to be called upon in the order in which they signified their desire to speak. He then added: "However, the Soviet representative, faithful to what he holds as principles of equality and democracy and freedom of speech, pressured, warned and threatened, and finally got what he wanted—to speak before me, to prevent me from expressing my views at the time when I was to do so."

After the representative of Israel had made his statement, the President (Australia) stated:

I think I should say to the representative of Israel, for the record, that I allowed the representative of the Soviet Union to take the floor ahead of him because my attention has been drawn to statements made by former Presidents of the Council which lead me to the view that it has been the generally recognized practice in the Council to accord to Council members priority in speaking, if they wish to exercise it, over representatives not members of the Council who have asked to participate in discussions.³⁸

CASE 17

At the 1754th meeting on 2 November 1973, the representative of Saudi Arabia, upon being given the floor by the President (Austria), stated:

Mr. President, I shall not take issue with you for having deferred my turn to speak. The hour is late. You are new in your post here. With all due respect to the country from which you come, I think that you should have followed usual practice. But I do not want to quarrel and dissipate the issue. But remember, Presidents of the Council, that it is not Baroody, but a representative of a State, a sovereign Member State of the United Nations. I inscribed my name after that of the representative of Israel, but I was not called upon until now.³⁹

CASE 18

At the 1786th meeting on 28 July 1974, in connexion with the situation in Cyprus, the representative of the Union of Soviet Socialist Republics, at whose request the meeting had been convened, read out a statement issued by the USSR Government. In one portion of its statement, the Soviet Government referred to Security Council resolution 353 (1974) and stated:

The Security Council resolution calls for an immediate end to foreign military intervention and the withdrawal without delay of foreign military personnel, including those whose withdrawal was requested by the President of the Republic of Cyprus, Archbishop Makarios. And yet the Greek military personnel who caused the armed rebellion have not yet been removed from the island. The foreign military forces on Cyprus are not being withdrawn but continue to increase in size.

After the statement of the Soviet representative, the representative of the United Kingdom asked for the floor on a point of order and stated:

Mr. President, having been brought here by the Soviet Union at 9.30 on a Sunday evening, may I ask you, on a point of order, whether it is not perhaps appropriate for the Soviet Union to make its position clear and, since we have been considering resolution 353

(1974), may I ask the Soviet Union a specific question to which I hope I may get a specific answer? Is the Soviet Union calling for the withdrawal of the Turkish troops at present on Cypriot soil, and is the Soviet Union of the view that resolution 353 (1974) calls for the withdrawal of the Turkish troops on Cypriot soil?

The representative of the USSR replied:

Of course we reserve the right to judge whether the representative of the United Kingdom has made a point of order or raised a question. We are not clear on that point, but since he has asked a question we shall answer him.

He then proceeded to answer the question after which the representative of the United Kingdom made a substantive statement in the course of which he criticized the Soviet Union for having called the meeting, stating, *inter alia*:

This is a mischievous meeting. It has been called in a mischievous way. It is a propaganda exercise which has been indulged in by the Soviet Union in what, if I may say so, has been an unworthy manner, at a time when negotiations which this Security Council in fact sanctioned in resolution 353 (1974)—adopted, may I say, unanimously a week ago yesterday—are still going on, and for us to have been subjected to the sort of speech that we have heard this evening from the Government of the Soviet Union is nothing less than a contempt of the Security Council and a contempt of the United Nations.

The representative of the USSR then asked for the floor on a point of order to protest against the violation of the rules of procedure by the representative of the United Kingdom who, "having asked to speak on a point of order, in fact made a statement on the substance of the item before the Council." The representative of the USSR then added:

All the members of the Security Council know exactly how the Council should function. There is a list of speakers, on which there appear the names of the representatives wishing to take part in this debate. The United Kingdom representative, ignoring the usual practice of the Security Council, suddenly makes a statement. We are simply amazed at this behaviour on the part of the United Kingdom representative. If he wished to say something on the substance of the item, if he wished to comment on the statement of the Soviet Government, he could inscribe his name on the list of speakers and make his statement after you, Mr. President, had called on him. But without waiting to be called on, he started to talk and you, Sir, did not interrupt him. We cannot possibly accept such a violation of the rules of procedure. We request that in future the United Kingdom representative respect those rules.

The representative of the United Kingdom then stated:

As I understand the rules of procedure, the members of the Security Council are entitled to be heard in general debate before the representatives of those nations that have been invited to sit at the table are heard. At the time when I asked to speak and you, Mr. President, were kind enough to call on me, the list of speakers had the names of two countries on it: one was the Soviet Union and the other was Greece. The representative of the Soviet Union had made his intervention; indeed, we have all heard him. The only other name on the list of speakers, therefore, at the time when you, Sir, called on me was Greece. Greece, as we know, is not a member of the Security Council—although we are, of course, very happy to see its representative sitting at the table. Hence, new in the ways of the United Nations as I am, it would not seem to me—with great respect—that I have violated any rule of procedure whatsoever.

The representative of the USSR again stated that the representative of the United Kingdom had violated the rules of procedure by asking to speak on a point of order and then proceeding to speak on the substance, when there still remained another name on the list of speakers. The representative of the United Kingdom then stated: "I apologize, Mr. President."⁴⁰

³⁸ For texts of relevant statements, see: 1749th meeting: President, following the second intervention by Israel; Israel, second intervention.

³⁹ 1754th meeting: Saudi Arabia, first intervention.

⁴⁰ For texts of relevant statements, see: 1786th meeting: USSR, and United Kingdom, following the first intervention by the USSR.

Rule 30

CASE 19

At the 1736th meeting on 13 August 1973, in connexion with the Situation in the Middle East, the representative of the USSR raised a point of order during a statement by the representative of Israel and protested that the Israeli representative was making slanderous attacks on member States and discussing questions that had no bearing on the agenda of the meeting. He urged the President (United States) to draw the attention of the representative of Israel to the inadmissibility of discussing such questions and to adhere strictly to the subject under consideration.

The President stated that in his opinion all representatives should adhere to the item on the agenda "and I mean all representatives."

After the representative of Israel had resumed his statement, the representative of the USSR again raised a point of order to request the President to call upon the representative of Israel to confine himself strictly to the agenda of the meeting. He added: "If the representative of Israel again strays from the agenda and if he again speaks on matters not inscribed on the agenda we shall have to interrupt him and ask you to put to the vote the question of the appropriateness of his participation in this discussion."

The President again made an appeal to speakers to adhere to the item under discussion but observed that "if one speaker or another strays far from the point at issue, it can be expected that another speaker might object."

At the 1737th meeting after the representative of Israel had made a statement, the representative of the USSR again accused him of straying from the item on the agenda and stated that if the Israeli representative continued the practice, the Soviet delegation would be "compelled to invoke rule 37 of the rules of procedure" in order to "deprive him of the right to participate in these meetings because he goes beyond the framework of the discussion."

The President then stated. "I thank the representative of the Soviet Union for his statement expressing his highly specialized version of the rules of procedure."⁴¹

CASE 20

At the 1748th meeting on 23 October 1973 in connexion with the situation in the Middle East, the representative of the USSR formally moved that a draft resolution⁴² jointly co-sponsored by the United States and the USSR be put to the vote immediately and that "all delegations wishing to speak should have an opportunity to do so after adoption of the draft resolution."

The President (Australia), after stating that he still had on the list of speakers the names of some representatives who wished to speak before the vote, was in the process of calling on the representative of China when the representa-

⁴¹ For texts of relevant statements, see: 1736th meeting: President (United States), and USSR, following the second intervention by Israel; 1737th meeting: USSR, first intervention and exchange with the President.

⁴² S/11039, adopted without change as resolution 339 (1973) of 23 October 1973.

tive of the USSR, referring to his formal proposal to put the draft resolution to an immediate vote, asked for an immediate vote on that proposal. The representative of China, on a point of order, asserted that he would like to make a statement before the vote stating that "we cannot allow the imposition of view." The representative of the USSR, however, insisted that his proposal on the vote on the draft resolution be put immediately to the vote for a decision by the Council.

The representative of China, asserting that the attitude of the representative of the USSR was "completely unreasonable" stated:

Before the United States and Soviet draft resolution is even tabled, you allow no one else to speak. This is the wrong attitude. We are firmly opposed to that. The United Nations is not a tool to be manipulated by the two super-Powers.

This morning the President of the Security Council informed the Chinese delegation that an urgent meeting of the Security Council would be held to discuss the so-called violation of the cease-fire in the Middle East. After we arrived at the conference hall the Chinese delegation was told that there would be no Security Council meeting and that the United States and the Soviet Union would reach an agreement, which would then be transmitted through consensus to the Secretary-General for implementation.

The Chinese delegation firmly opposes such a malicious practice of using the United Nations Security Council as a tool to be juggled with by the two super-Powers at will. In our opinion, this also shows utter disrespect for the other States members of the Security Council. The Chinese delegation cannot tolerate such a practice. We have something to say. We believe that the other States members of the Security Council also have something to say from the bottom of their hearts.

The representative of China then began to make a substantive statement at which point the representative of the USSR raised a point of order. The following exchange then took place:

The representative of China: "This is unreasonable, Mr. President. It is unreasonable for the representative of the Soviet Union to interrupt my statement. Why should he have such a privilege?"

The President: "I must say to the representatives of China that it is, I think, the normal practice of this Council when a point of order is raised by a member to give that member the opportunity--"

The representative of China: "Mr. President, I did not interrupt his statement. He should allow me to finish my statement. Mr. Malik, you can speak when it is your turn to do so. Could you not wait a little while?"

The representative of the USSR: "Point of order."

The President: "Could I appeal to the representative of the Soviet Union to allow--"

The representative of the USSR: "I am entitled to raise a point of order, Sir. I should like to state that he who is dragging out the adoption by the Security Council of an urgent resolution by empty talk in order to restrain the aggressor is actually helping the aggressor. Therefore, I insist that the draft resolution—which has been placed before a meeting of the Security Council that was convened urgently at the request of the victim of aggression—be put to the vote immediately. I have made this proposal and I should like to have it voted upon."

At this point a number of representatives, without having been called upon by the President, made interjections simultaneously from their places at the Council table, and others at the side of the Council chamber called out.

The President, after pleading in vain for the restoration of order, suspended the meeting for ten minutes.

After the resumption of the meeting, the representative of China voiced his protest at being interrupted during the

course of his statement and asserted that attempts to "railroad the draft resolution through the Council" were an "intolerable" imposition. He added: "Today, before the draft was introduced and even up to now we still do not have the Chinese text. How can we vote? Now, there is talk that we should take a vote right away. Does the world belong solely to the United States and the Soviet Union? It does not. The Chinese have the right to speak. The other members of the Council have the right to speak. Because you interrupted my statement, Mr. President, I should like to start from the beginning."

The representative of China then resumed his statement from the beginning after which the Council proceeded to vote on the draft resolution.⁴³

CASE 21

At the 1751st meeting on 26 October 1973, in connexion with the situation in the Middle East, the President (Australia) called upon the representative of Saudi Arabia in exercise of the right of reply with an appeal "to be brief." The representative of Saudi Arabia began his statement by assuring the President that he would try to be as brief as possible and urged him to direct the same appeal next time to the representative of the USSR as well. He then proceeded to make a statement on the subject of democracy in order to refute certain remarks made earlier on the subject by the representative of Israel. During the course of the statement, the representative of France took the floor on a point of order and asked the representative of Saudi Arabia if he would agree to postpone his statement on "democracy and the origins of the First World War" to a later date so that the Council could conclude its consideration of the question at hand.

The President, after stating that he would agree with the representative of France that "the remarks which the representative of Saudi Arabia is now addressing to us are not relevant to the subject that we are pursuing", appealed to the representative of Saudi Arabia to conclude his remarks, failing which, "in response to the point of order of the representative of France, I shall have to rule the representative of Saudi Arabia out of order." The following exchange then took place:

The representative of Saudi Arabia: "Okay. I will be brief. But I want to comment in a democratic way. We are talking about democracy now. May I comment?"

The President: "May I remind the representative of Saudi Arabia . . ."

The representative of Saudi Arabia: "You don't allow me to explain."

The President: "I ask the representative of Saudi Arabia to respect the Chair for one moment. May I remind him that a great deal has been said already this evening about democracy. If he would agree to speak for only one minute more I shall allow him to proceed."

The representative of Saudi Arabia was then allowed to proceed and finish his statement.⁴⁴

⁴³ For texts of relevant statements, see 1748th meeting: the exchange between the President (Australia), China and the USSR, following the first intervention by the United States.

⁴⁴ For texts of relevant statements, see 1751st meeting: intervention by the President (Australia), France and Saudi Arabia, following the fourth intervention by Egypt.

Rule 31

CASE 22

At the 1788th meeting on 31 July 1974, in connexion with the situation in Cyprus, the representative of the USSR moved for the suspension of the meeting for two hours to enable his delegation to receive the necessary instructions with regard to the draft resolution⁴⁵ being discussed in the Council. The motion was opposed by the representative of France and the United Kingdom who argued that the matter was of too great an urgency to warrant any further delay. The President (Peru), invoking rule 33 of the provisional rules of procedure then put to the vote the motion for suspension, which was not adopted, there being 7 votes in favour, none against and 8 abstentions.⁴⁶

Following the rejection of his motion, the Soviet representative took the floor to introduce a formal amendment to the operative part of the draft resolution contained in document S/11400 and requested that the amendment be circulated in all the official languages of the United Nations in accordance with rules 31 and 46 of the provisional rules of procedure.

The representatives of France, the United Kingdom and the United States stated that they were prepared to accept the USSR amendment and urged that the Council proceed to the vote on the draft resolution. The representative of the USSR, supported by the representative of Byelorussia insisted that, in accordance with rule 46 of the provisional rules of procedure, the Soviet amendment be circulated in all the official languages and criticized attempts to impose an immediate vote. The representative of Byelorussia then suggested that, if there was some difficulty in accepting the idea of circulating the amendment as a separate document, a revised text of the draft resolution be circulated instead, incorporating the Soviet amendment.

The President, as well as the representatives of the United Kingdom and the United States pointed out that rule 31 stipulated that proposed resolutions, amendments and substantive motions shall normally be placed before the representatives in writing and that the use of the word "normally" indicated that rule 31 was not obligatory.

The representative of the USSR warned the Council against deviating from its rules of procedure and reiterated his request to have the USSR amendment distributed in all languages. He also introduced a second amendment to the draft resolution with respect to the second preambular paragraph and insisted that this amendment too be circulated in all official languages of the United Nations.

The representative of the United States then stated that he would move to put to vote the Soviet motion that its two amendments be circulated in writing. The motion was rejected there being no votes in favour, 5 against and 8 abstentions with 2 not participating.⁴⁷ Following the

⁴⁵ S/11400, *OR*, 29th yr., *Suppl. for July-September 1974*, p. 75.

⁴⁶ 1788th meeting, following the second intervention by France.

⁴⁷ 1788th meeting (PV), p. 71.

rejection of the motion the two Soviet amendments were voted on separately.⁴⁸

Rule 32

CASE 23

At the 1637th meeting on 3 February 1972, held in Addis Ababa, in connexion with the consideration of questions relating to Africa, the Council had before it the following draft resolutions: S/10607 sponsored by Guinea, Somalia and Sudan; S/10608 sponsored by Guinea, Somalia, Sudan and Yugoslavia; S/10609 sponsored by Guinea, India, Somalia, Sudan and Yugoslavia and S/10376/Rev.2⁴⁹ sponsored by Argentina. Commenting on the Argentine draft resolution, the representative of the USSR made the following remarks:

One last comment on the Argentine draft resolution, and this in connexion with its symbol number. It bears an old number—S/10376/Rev.2—from New York, while the date—3 February—is an Addis Ababa date. This of course raises an important question: does the sponsor of this draft intend to ask for priority for his draft when we determine the order of voting on the five drafts before us? I point this out because of the many examples we have had and the Security Council's experience in the past. Sometimes such numbering is used for the purpose of requesting priority. If there is no such intention I shall say no more about it. If that is the intention, however, I reserve the right to speak again on this matter.

The representative of Argentina replied as follows:

Secondly, with respect to the question of priority, the representative of the Soviet Union, who is an able and experienced representative, knows that such questions of priority do not come up in the case of revised texts because a draft resolution has the priority that is properly owing to the text in terms of the time when it was submitted as is made abundantly clear in the provisional rules of procedure of the Security Council.

The representative of the USSR then stated:

As for the question of priorities in voting, to judge by the Argentine representative's remarks, we seem to have correctly perceived the purpose of this symbol. There is clearly an intent to insist on priority in the voting. Does the representative of Argentina not think that such an arrangement might enable some members to avoid voting on the basic draft resolution on Namibia submitted by the African delegations? Does he not agree that such an action might be used as a cover for some to avoid a vote on that resolution or even to veto it on the grounds that the Argentine resolution on Namibia was already adopted and, since it provides for measures to be taken by the Secretary-General with the assistance of a group of members of the Security Council, no other resolution on Namibia need be passed? That is the doubt I have.

The representative of Argentina replied:

With regard to the question of priority, it seems to me that the representative of the Soviet Union is confusing the provisions of the provisional rules of procedure of the Security Council. I do not have any reason to request priority. Those who must ask for priority are those who submitted drafts later.⁵⁰

⁴⁸ For the text of relevant statements, see: 1788th meeting (PV): the exchange between the President (Peru), Byelorussia, France, the USSR, the United Kingdom and the United States, following the vote on the motion for suspension.

⁴⁹ The draft resolution in its original form (S/10376) was introduced by Argentina at the 1598th meeting on 20 October 1971 and a first revision of that text was subsequently introduced on 22 October 1971. The voting on the text, however, was deferred by the Council to a future unspecified date. See *Repertoire Supplement 1969-1971*, chapter I, case 15.

⁵⁰ For texts of relevant statements, see: 1637th meeting: Argentina, paras. 119, 171; USSR, paras. 115, 124.

CASE 24

At the outset of the 1637th meeting on 3 February 1972, in connexion with the consideration of questions relating to Africa, the President (Sudan) informed the Council that four draft resolutions had so far been submitted by sponsors and were contained in documents S/10376/Rev.2, S/10607, S/10608 and S/10609. Towards the end of the meeting, the President again took the floor and informed the Council that in addition to the above-mentioned draft resolutions, the Council now had before it a further draft resolution which was contained in document S/10606.

At the 1639th meeting on 4 February, the President announced that it was his intention to first put to the vote the draft resolution contained in document S/10606, "which was distributed two days ago". In the absence of any objection that draft resolution was put to the vote⁵¹ first.⁵²

CASE 25

At the 1638th meeting on 4 February 1972, in connexion with the consideration of questions relating to Africa, the Council had before it the following draft resolutions: S/10606 relating to the question of Southern Rhodesia, S/10607 concerning Territories under Portuguese administration, S/10609/Rev.1 concerning the question of *apartheid* in South Africa and S/10376/Rev.2 and S/10608/Rev.1 both concerning Namibia.

Before the voting the President (Sudan) outlining the procedure he intended to follow stated:

The normal procedure, of course, would have been to start with the draft resolution on Southern Rhodesia, then proceed to that on Namibia, then that on *apartheid*, then that on the Portuguese Territories—in the order in which they were proposed. But since there exists another draft resolution proposed long before the others, which in the normal course would have had to be considered before the other four draft resolutions, I thought it only pertinent and logical for the Council to consider it at the same time as the other draft resolution on Namibia. Following the same logic, I now intend to put to the vote the draft resolution contained in document S/10376/Rev.2 and then the draft resolution contained in document S/10608/Rev.1.

When the representative of the USSR suggested that the logical procedure would be to vote first on the three draft resolutions not relating to Namibia and then to vote on the two draft resolutions on Namibia, the President expressed doubt as to whether under the rules of procedure, draft resolutions submitted after other draft resolutions could be voted on first. The representative of the USSR replied as follows:

The Security Council is the master of its own procedure. If everyone agrees, the Council could vote on the three draft resolutions about which delegations do not appear to have any doubts or reservations, and then we could go on to vote on the two draft resolutions on Namibia. I wish to stress the fact that at every stage of its work the Security Council is the master of its own procedure and can take any decision on how to vote, irrespective of rule 40 of the provisional rules of procedure, which refers us to the Charter and to the Statute of the International Court of Justice.⁵³

⁵¹ 1639th meeting, para. 48.

⁵² For texts of the relevant statements, see: 1637th meeting, paras. 8, 133; 1639th meeting, paras. 1, 48.

⁵³ For texts of relevant statements, see: 1638th meeting: President (Sudan), paras. 43, 46; USSR, para. 47.

CASE 26

At the 1710th meeting on 20 April 1973 in connexion with the situation in the Middle East, the Council had before it a draft resolution co-sponsored by France and the United Kingdom,⁵⁴ an amendment to that resolution co-sponsored by Guinea, India, Indonesia and Yugoslavia⁵⁵ and another draft resolution sponsored by Egypt.⁵⁶ The President (Peru), after drawing the Council's attention to the above-mentioned documents informed the members that he had received a request from the Minister for Foreign Affairs of Egypt that the Council consider and vote first on his delegation's draft resolution since he had to leave that day. After citing rule 32 of the provisional rules of procedure, which stipulates that principal motions and draft resolutions shall have precedence in order of their submission, the President stated that he would nevertheless put the Egyptian draft resolution to the vote first because of the specific request addressed to the Council provided the members had no objection. At the behest of the President, the Council then unanimously approved the draft resolution without a vote.⁵⁷

CASE 27

At the 1677th meeting on 22 November 1972, in connexion with the question concerning the situation in the territories under Portuguese administration, the Council had before it a draft resolution sponsored by Guinea, Somalia and Sudan.⁵⁸ Before the vote, the representative of the United States requested a separate vote on operative paragraph 2 of the draft resolution because his delegation entertained certain reservations on that particular paragraph. On behalf of the sponsors, the representative of Somalia however stated that the sponsors could not accede to the request by the representative of the United States on a separate vote on operative paragraph 2 because of the importance they attached to the paragraph.

The representative of the United States then asked for a ruling by the President (Guinea) whether under the rules of procedure objection by the sponsor was sufficient to rule out a motion for a separate vote on a particular paragraph of a draft resolution, "or whether we can have a vote to see whether we shall have a separate vote."

The President, citing rule 32 of the provisional rules of procedure, stated that "if the co-sponsors are opposed to a separate vote, I believe it is the President's duty to put the draft resolution to a vote."⁵⁹ The draft resolution was then put to the vote and adopted.⁶⁰

⁵⁴ S/10916/Rev.1., *OR*, 28th yr., *Suppl. for April-June 1973*, p. 24.

⁵⁵ S/10917, *ibid.*

⁵⁶ S/10918, adopted without change as resolution 331 (1973) of 20 April 1973.

⁵⁷ For the text of the President's statement, see: 1710th meeting, paras. 5, 6, 7, 8.

⁵⁸ S/10838/Rev.1 adopted without change as resolution 322 (1972) of 22 November 1972.

⁵⁹ For texts of relevant statements, see 1677th meeting: President (Guinea), para. 82; Somalia, para. 78; United States, paras. 76, 79-81.

⁶⁰ *Ibid.*, para. 83.

Rule 33

CASE 28

At the 1659th meeting on 24 August 1972, in connexion with the application of the People's Republic of Bangladesh for admission, the representative of Sudan, at the conclusion of his statement proposed under rule 33 of the provisional rules of procedure that the meeting be adjourned until 3 p.m. the next day without proceeding to the vote on the two draft resolutions before the Council. After the President (Belgium) declared his intention to adjourn the meeting as proposed by the representative of Sudan, the representative of the USSR observed that the proposal to adjourn the meeting was designed to postpone consideration of the question of the admission of Bangladesh and as such it ought to be treated as a substantive proposal and not merely a procedural one. He added:

As to the substance of the question, I think that this proposal is not a procedural one but one of substance - that is to say, a proposal once again to delay consideration of the question of the admission of Bangladesh to the United Nations. Everyone is well aware that the application of the Government of Bangladesh for its admission to the United Nations is dated 8 August. The Security Council began consideration of the question on 10 August. Today is 24 August. The Chinese delegation submitted its draft resolution⁶¹ three days ago; the Soviet, Indian, United Kingdom and Yugoslav delegations submitted their draft resolution⁶² two days ago. So I wonder what is it that is not known, what is there to consult about? There are two draft resolutions: one favours immediate consideration of the question and is positive, and the other is diametrically opposed and advocates postponement of consideration of the matter. The proposal by the Sudanese representative cannot be considered separately from these two drafts. It, too, is aimed at postponement; the representative of the Sudan made his position quite clear. It is difficult to imagine that anything will change in the region before 3 p.m. tomorrow. For that reason, the Soviet delegation cannot consider this proposal as anything but a substantive one, that is to say, a proposal aimed at postponing consideration of the question of the application of Bangladesh. We all have our instructions and there has been more than enough time to receive them. The question is therefore whether we are to consider the matter of admission now or to decide in principle to postpone such consideration. The question is therefore one of substance.

In this connexion I would request, on behalf of the Soviet delegation, that a vote be taken first on the Soviet, Indian, United Kingdom and Yugoslav draft resolution which is a draft resolution on the substance of the matter, as is indeed the proposal by the representative of the Sudan.

The representative of India also stated that the Sudanese proposal was a substantive one and a ploy whereby "under the guise of a procedural point a substantive point is pursued."

The representative of Yugoslavia also opposed adjournment and urged that the Council proceed to the vote on the four-power draft resolution.

The representative of Sudan asserting that his proposal was not a substantive one stated:

Now, if this had something to do with the substantive postponement contained in the draft resolution which I supported, I would not have asked for twenty-two hours. To postpone for twenty-two hours is not to postpone this admission but to suspend the voting until certain aspects are made clear either with other delegations or with Governments.

⁶¹ S/10768 and Corr.1, *OR*, 27th yr., *Suppl. for July-September 1974*, p. 92.

⁶² S/10771, *ibid.*, p. 93.

It is my belief that my proposal is purely procedural and has nothing to do with the substance of any of the draft resolutions or even of my statement. I think it falls absolutely under the provisions of paragraph 3 of rule 33 of the provisional rules of procedure.

The President gave his ruling that the proposal made by the representative of Sudan was a procedural one. He then put the proposal to the vote which the Council adopted⁶³ by nine votes in favour, four against and two abstentions. The meeting was then adjourned.⁶⁴

CASE 29

At the outset of the 1725th meeting on 14 June 1973, in connexion with the situation in the Middle East the President (USSR) informed the Council that he had received a telegram from the President of Chad requesting a 24-hour suspension of the Security Council debate in order to enable the Foreign Minister of Chad to participate in the discussion. After reading out the text of the telegram the President stated:

Bearing in mind this request of the President of Chad and also the fact that, in accordance with the decision of the Security Council of 6 June to invite Chad to participate in the discussion of the situation in the Middle East without the right to vote, I intend, if there is no objection from any member of the Council, to comply with this request and to call on the Foreign Minister of Chad to make his statement on the question of the situation in the Middle

⁶³ 1659th meeting: paras. 187, 188.

⁶⁴ For texts of relevant statements, see: 1659th meeting: President (Belgium), paras. 78, 120, 121, 158; India, para. 126; Sudan, paras. 76, 136, 137; USSR, paras. 123, 124; Yugoslavia, paras. 138-139.

East tomorrow, 15 June, after the conclusion of the Council's consideration of the question of Cyprus, as an exception, since we are scheduled to suspend the discussion of the question of the Middle East today in principle.

In the absence of any objections, the President stated that he would proceed accordingly. The meeting then proceeded routinely.

Subsequently, at the 1728th meeting on 15 June 1973, at the conclusion of its consideration of the question of Cyprus the President (USSR) made the following statement:

I would recall that at the 1725th meeting I read out to the Council a telegram from the President of Chad, His Excellency Mr. François Tombalbaye, containing a request that an opportunity be given to the Minister for Foreign Affairs of the Republic of Chad, Mr. Baba Hassane, to make a statement on the question of the situation in the Middle East at today's meeting of the Council, following completion of our consideration of the question of Cyprus.

In taking the decision, the Council had in mind that its consideration of the question of the situation in the Middle East was expected to be suspended at the end of the meeting yesterday evening—which in fact was done.

In accordance with that decision, I now intend, if there are no objections, to invite the Foreign Minister of Chad, His Excellency Mr. Baba Hassane, to take a place at the Council table and to make a statement on the question of the situation in the Middle East.

Following the President's statement, the representative of Chad took a place at the Council table and made a statement.⁶⁵

⁶⁵ For the texts of the President's statements, see: 1725th meeting (PV): opening statement; 1728th meeting, paras. 97, 98.

Part VI

VOTING (RULE 40)

NOTE

Rule 40 of the provisional rules of procedure contains no detailed provisions concerning the mechanics of the vote or the majorities by which the various decisions of the Council should be taken. It simply provides that voting in the Council shall conform to the relevant Articles of the Charter and of the Statute of the International Court of Justice. Material concerning the majorities by which the decisions of the Council should be taken will be found in chapter IV: Voting. Material concerning certain aspects of the mechanics of voting has already been presented elsewhere in this chapter.

On certain occasions members of the Council have referred to a rule—which does not appear in the provisional rules of procedure of the Security Council but in the rules of the General Assembly—under which once voting is in progress it may not be interrupted except for reasons relating to the actual conduct of the voting.

On certain other occasions, members of the Council have been recorded, as in the past, as not participating in the vote on resolutions declared to have been adopted.

Rule 40

CASE 30

At the 1638th meeting on 4 February 1972, held in Addis Ababa, in connexion with the consideration of questions relating to Africa, the Council had before it the following draft resolutions: S/10606 relating to the question of Southern Rhodesia, S/10607 concerning Territories under Portuguese administration, S/10609/Rev.1 concerning the question of *apartheid* in South Africa and S/10376/Rev.2 and S/10608/Rev.1 both concerning Namibia.

Before the voting, the representative of the USSR suggested that the logical procedure would be to vote first on the three draft resolutions not relating to Namibia and then to vote on the two draft resolutions on Namibia. The President (Sudan), however, expressed doubt as to whether under the rules of procedure, draft resolutions submitted after other draft resolutions could be voted on first. The representative of the USSR replied as follows:

The Security Council is master of its own procedure. If there is agreement to vote on the three draft resolutions on which it would

appear there are no doubts or particular reservations on the part of delegations, the Council could vote on those drafts and then vote on the two draft resolutions on Namibia. I stress that throughout the work of the Security Council, the Council has been the master of its procedure. The Council can adopt any decision it wishes with regard to its procedure of voting regardless of rule 40, which refers us to the Charter.

The representatives of Argentina and the United States asserted that the draft resolutions should be voted upon in the order in which they were presented. The Council then proceeded to the vote accordingly.⁶⁶

CASE 31

At the 1644th meeting on 27 February 1972, in connexion with the situation in the Middle East, after the representative of Italy had suggested that separate votes be taken on the preambular and operative paragraphs of draft

⁶⁶ For texts of relevant statements, see: 1638th meeting, President (Sudan), paras. 46 and 48; Argentina, para. 49; USSR, paras. 45 and 47; United States, para. 51.

resolution S/10552, the President, (Sudan) stated: "I believe that suggestion is acceptable to the Council. I shall therefore put to the vote" At this point the President interrupted his statement to recognize the representative of Israel who then proceeded to make a statement. His statement was interrupted by a point of order raised by the representative of the Union of the Soviet Socialist Republics who declared that in accordance with the rules of procedure, when the Council starts to vote on a draft resolution no debate or discussion is admissible. The representative of Israel then stated that he had asked for the floor "before anything was put to the vote."

The President then stated: "I think we can consider that while I was on the point of starting the voting procedure, the representative of Israel asked for the floor before the voting procedure actually started." He thereupon called upon the representative of Israel to resume his statement.⁶⁷

⁶⁷ For texts of relevant statements, see: 1644th meeting, President (Sudan), paras. 218, 227; Israel, paras. 220, 221, 224, 228; USSR, para. 223.

Part VII

LANGUAGES (RULES 41-47)

NOTE

During the period under review, the Security Council adopted amendments to its provisional rules of procedure when rules 41 to 47 were amended to include Chinese among the working languages of the Security Council (Case 32) and deleted rule 43.

During this period the practice of waiving the right to consecutive interpretation of their statements has been consistently followed by Members of the Council.

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

Rule 41-44

CASE 32

By a letter⁶⁸ dated 10 January 1974, the Secretary-General transmitted to the Council the text of General

⁶⁸ S/11187, OR, 29th yr., Suppl. for January-March 1974, p. 79.

Assembly resolution 3189 (XXVIII) in which the Assembly, *inter alia*, considered it desirable to include Chinese among the working languages of the Security Council. On 11 January 1974, the representative of China requested a meeting of the Council to consider the issue.⁶⁹

At the 1761st meeting on 17 January 1974, the Council had before it a draft resolution⁷⁰ and an annex attached to it containing a new working of rules 41, 42 and 44 and deleting rule 43. The draft resolution was adopted without a vote.

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

⁶⁹ S/11190, *ibid.*, p. 81.

⁷⁰ S/11192 adopted without change as resolution 345 (1974) of 17 January 1974.

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 to the representatives of 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 quadruplicate, within three working days, to be submitted 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 five private meetings;⁷¹ at the close of each, it issued a communiqué through the Secretary-General in accordance with rule 55 of the provisional rules of procedure.

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

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

RULE 51

CASE 33

At the outset of the 1760th meeting on 15 December 1973, held in private, in connexion with the proposed peace conference on the Middle East, the President made the following announcement:

As a result of consultations held with members of the Council, I understand that there is general agreement that rule 51 of the provisional rules of procedure of the Security Council will not be invoked on this occasion and that the verbatim record of this meeting of the Security Council will be circulated in all the working languages as an unrestricted document in accordance with rule 49. If there is no objection, I shall take it that that is agreed. It is so decided.⁷²

⁷¹ The five meetings were the following:

1670	24 Oct. 1972	Adoption of the Council's draft report to the General Assembly
1753	31 Oct. 1973	Adoption of the Council's draft report to the General Assembly
1760	15 Dec. 1973	Arrangements for the Middle East Conference in Geneva
1784	24 July 1974	The Situation in Cyprus
1805	29 Oct. 1974	Adoption of the Council's draft report to the General Assembly

⁷² For text of the President's statement, see: 1760th meeting, opening statement.

CASE 34

At the 1784th meeting on 24 July 1974 in connexion with the situation in Cyprus, the President (Peru) made the following statement prior to the adoption of the agenda:

As a result of consultations held with members of the Council, I understand that there is general agreement that rule 51 of the provisional rules of procedure of the Security Council will not be invoked on this occasion and that the verbatim record of this meeting of the Security Council will be circulated in all the working languages as an unrestricted document in accordance with rule 49. If there is no objection, I shall take it that that is agreed. It is so decided.

After the adoption of the agenda, the Secretary-General read out the text of a letter he received from the Minister for Foreign Affairs of Turkey in which an undertaking was given that Turkey would not attempt to assume possession of the Nicosia airport by force or threat of force.⁷³

Rule 54

CASE 35

At the 1723rd meeting on 12 June 1973, in connexion with the situation in the Middle East, the Foreign Minister of Egypt took exception to an Israeli statement in which the latter had allegedly interpreted Security Council resolution 242 (1967) in terms favourable to Israel.⁷⁴ The representative of Egypt, after stating that the Israeli statement had resorted to distorted explanation of resolution 242 (1967), referred to the statements made during the Council's discussion in 1967 by several representatives while explaining their vote on resolution 242 (1967). He added that his delegation had compiled a list of quotations from those statements. However, he did not wish to read them at that stage but would request that those quotations be made part of the verbatim records for the benefit of the Council members. The quotations referred to by the Foreign Minister of Egypt were subsequently issued as a separate Security Council document⁷⁵ instead of being a part of the verbatim record.⁷⁶

⁷³ For text of the relevant statements, see: 1784th meeting: President (Peru), opening statement; Secretary-General, intervention.

⁷⁴ 1721st meeting, first intervention by Israel.

⁷⁵ S/10948, *OR*, 28th yr., *Suppl. for April-June 1973*, p. 72.

⁷⁶ For the text of the relevant statement, see: 1723rd meeting, first intervention by Egypt.

Part IX

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