

ARTICLE 30

CONTENTS

	<i>Paragraphs</i>
Text of Article 30	
Introductory Note	1-4
Summary of Practice	5-70
**A. Adoption and amendment of the provisional rules of procedure.	
B. Essential features of the provisional rules of procedure	5-51
1. Agenda (rules 6-12)	5-25
a. Circulation of communications	5-11
b. The provisional agenda	12-16
c. Adoption of the agenda	17-22
d. Matters of which the Security Council is seized	23-25
2. Representation and credentials (rules 13-17)	26-27
3. The Presidency (rules 18-20)	28-29
4. Conduct of Business (rules 27-36)	30-51
a. Order of speaking	30-33
b. Establishment of subsidiary bodies	34
c. Presidential rulings	35-38
i. Raising of points of order	35-36
ii. Challenge to a presidential ruling	37-38
d. The requirement of written submissions for proposed resolutions, amendments and substantive motions	39-41
e. Sponsors and movers of draft resolutions	42
f. Order of precedence of motions under rule 33	43-47
g. Withdrawal of motions of draft resolutions	48-51
C. Application of rule 39	52-70
1. Decision of 27th February 1964 in connexion with the complaint by the Government of Cyprus	53-63
2. Decision of 13th May 1965 in connexion with the situation in the Dominican Republic	64-70

TEXT OF ARTICLE 30

The Security Council shall adopt its own rules of procedure including the method of selecting its President.

INTRODUCTORY NOTE

1. During the period under review the Security Council neither adopted new rules of procedure nor amended the existing provisional rules.¹

2. In the application of its provisional rules of procedure the Council continued to rely upon the body of practice established during previous years. However, on several occasions, when confronted with special circumstances, the Council resorted to procedures which could be said to throw light on the scope and meaning of its existing rules. This study covers a number of such cases and briefly examines the practices which may be regarded as representative of discernible tendencies. The rela-

¹ Amendments to Articles 23 and 27 came into force during this period, increasing the membership of the Security Council from eleven to fifteen and changing the number of affirmative votes required for a decision of the Council from 7 to 9. These amendments, however, did not require any modification of rule 40.

tively numerous cases of communications to the Council concerning matters in respect of which no request was made for consideration by the Council fall in that category. The practice was continued of circulating as official Council documents communications from sources other than those defined in rule 6 and informal communications from entities whose international status remained unsettled.

3. The Summary of Practice includes for the first time, under Section C, cases considered under rule 39 in which invitations were extended explicitly to parties in an individual capacity. The material on the Presidency (formerly section C) now appears as item 3 under section B, and Conduct of Business (formerly item 3 under section B) is now item 4 under section B.

4. As in the Repertory and its supplements Nos. 1 and 2, certain of the Council's rules are dealt with under other Articles of the Charter.

SUMMARY OF PRACTICE

A. Adoption and amendment of the provisional rules of procedure

B. Essential features of the provisional rules of procedure

1. AGENDA (RULES 6-12)

a. Circulation of communications²

5. Developments during the period under review continued to be indicative of the tendency towards flexibility in the interpretation of rule 6 of the provisional rules of procedure. That was demonstrated, for example, in the variety of ways in which matters were brought to the attention of the Council and in the types of communication circulated, ranging from communications requesting consideration of certain matters by the Security Council to those

² In response to a query by a member of the Council about a communication from a régime declared illegal by the United Nations, the Secretary-General stated (S C, 21st yr., 1280th mtg., para 6) that he had made available to members of the Council, copies of telegrams from Salisbury, received from Mr. Lardner Burke, who called himself Minister of Justice. For discussion of this question in terms of invitations to non-member States, see this *Supplement*, under Article 32, paras. 24-26.

relevant to questions before the Council³ and others not defined in rule 6.

6. Among the various types of communication circulated as Council documents were complaints submitted for the information of the Council with no request for the Council to consider them⁴ at development reflects the practice which permits States to bring matters to the attention of the Council under Article 35 (1) without having to request the Council to consider them or without having them inscribed on the agenda. In one instance, however, when the Secretary-General requested an urgent meeting of the Council to consider his report on

³ Communications relating to matters discussed by the Council as well as those relating to questions concerning the maintenance of international peace and security are usually circulated as official Security Council documents, provided that they contain a specific request for their circulation as such. See, for example, S C, 20th yr., Suppl. for Jan.-March, p. 4, S/6136; p. 27, S/6163; p. 28, S/6164; *ibid.*, Suppl. for April-June, p. 15, S/6278; S C, 21st yr., Suppl. for Jan.-March, p. 69, S/7068 and Add. 1 and p. 96, S/7079.

⁴ See G A (XV), Suppl. No. 2, pp. 32-39; G A (XVI), Suppl. No. 2, pp. 93-95; G A (XVII), Suppl. No. 2, pp. 74-78; G A (XVIII), Suppl. No. 2, pp. 26-39; G A (XIX), Suppl. No. 2, pp. 123-132; G A (XX), Suppl. No. 2, pp. 134-156; G A (XXI), Suppl. No. 2, pp. 86-102.

a letter he had received from a State Member of the United Nations, which did not specifically request a meeting of the Council, questions were raised as to whether such a procedure conformed with the provisions of rule 6 or was, instead, an exercise by the Secretary-General of his authority under Article 99.⁵

7. Communications from entities whose international status remained unsettled occasionally raised doubt as to whether rule 6 required the Secretary-General to circulate such communications and whether they should be issued as official Security Council documents. One procedure employed in such cases was to circulate the document under the cover of a prefatory note or a *note verbale* from the Secretary-General, often as an informal communication. Such communications were also issued officially as enclosures to letters⁶ from members of the Council which formally requested their circulation.

8. The discretion exercised by the Secretary-General in circulating communications was illustrated by his explanation, in response to a statement that he was withholding information from members of the Council, that he had refrained from circulating certain information when he found that, according to diplomatic rules regarding the interests of Member States, it would not be in order to do so.⁷

9. In one instance objections were raised to the circulation, as an official Security Council document, of a letter concerning the results of private consultations held by the President of the Council with members of the Council.⁸ One member which had not participated in the consultations declined to receive the letter of the President and returned it to him.⁹

10. In another instance certain members took exception to the language in a communication circulated as an official Security Council document and sought to determine whether the Secretary-General was obliged to require propriety in the language used in documents intended for reproduction or circulated by him. The President stated that it was the practice of the Security Council to circulate, at the request of a Member State, any document concerning an item inscribed in the agenda of the Council, and that the responsibility for the language used in such a communication rested with the Government from which the communication emanated.¹⁰

⁵ For text of relevant statements see S C, 14th yr., 847th mtg.: President (Italy), paras. 28 and 29; Secretary-General, paras. 24 and 25; USSR, paras. 14—19, in connexion with the Secretary-General's report concerning Laos.

⁶ See, for example, S C, 19th yr., Suppl. for July—Sept., p. 170, S/5888; S C, 21st yr., Suppl. for Jan.—March, p. 233, S/7192, *ibid.*, Suppl. for April—June, p. 42, S/7259 and p. 102, S/7314.

⁷ S C, 15th yr., 920th mtg., para. 78, concerning the situation in the Republic of the Congo.

⁸ S C, 21st yr., Suppl. for Jan.—March, p. 178, S/7168; p. 184, S/7173; p. 186, S/7175; p. 187, S/7176/Rev. 1; concerning the situation in Viet-Nam.

⁹ *Ibid.*, p. 184, S/7174.

¹⁰ For text of relevant documents, see S C, 18th yr., Suppl. for Jan.—March, p. 145, S/5269; p. 130, S/5260; p. 141, S/5264; p. 145, S/5271; p. 146, S/5272; p. 133, S/5262; p. 143, S/5266 and S/5267.

11. Communications from regional agencies, received pursuant to Article 54¹¹ of the Charter, were also circulated as official Security Council documents.

b. *The provisional agenda*

12. The rules of procedure governing the preparation of the provisional agenda were invoked on two occasions during the period under review in connexion with requests to modify it. In the first case¹² a proposal was made to include a reference to communications which had not been included by the Secretary-General. The Secretary-General in his reply stated that his reason for not including them was that they were addressed to him and contained no reference to the Security Council. After a brief procedural discussion the representative concerned decided not to press the matter further.

13. In the second case,¹³ a member, drawing attention to certain grave developments in a Non-Self-Governing Territory, proposed the addition of an item to the provisional agenda. In declining the request, the President stated that the rules of procedure, particularly rules 6 and 7, did not allow the addition of an item in the proposed manner.

14. On one occasion the Council decided to alter the order in which sub-items in the provisional agenda had been listed and rejected a proposal for one sub-item to remain in its original place.¹⁴

15. On another occasion the Council decided not to adopt the provisional agenda on the grounds that the matter submitted for consideration had already been discussed by the Council and that there was nothing in the request for a meeting which would justify reopening the debate.¹⁵

16. Questions concerning the fulfilment of the provisions of rule 8 were raised in connexion with the circulation, on the day of the meeting, of a revised provisional agenda with a new sub-item.¹⁶

c. *Adoption of the agenda*

17. Matters concerning the application of rule 9 were rarely raised during the period under review. One such instance occurred when, before the adoption of the agenda, a proposal was made that the President disqualify himself under rule 20.¹⁷ The

¹¹ See this *Supplement*, under Article 54, annex.

¹² For text of relevant statements, see S C, 15th yr., 873rd mtg.; Secretary-General, paras. 5 and 8; USSR, paras. 2—4, 7, 9 and 11, and United States, paras. 10 and 12, in connexion with the situation in the Republic of the Congo.

¹³ For text of relevant statements see S C, 16th yr., 934th mtg.; President, (United Kingdom), para. 11; Liberia, paras. 3—10, in connexion with the situation in Angola.

¹⁴ S C, 16th yr., 968th mtg., paras. 63—77, concerning the applications of Sierra Leone and the Mongolian People's Republic for admission to membership in the United Nations.

¹⁵ S C, 17th yr., 991st mtg., para. 144, in connexion with the complaint by Cuba (letter of 22nd February 1962). See also this *Supplement*, under Article 52, paras. 16—18, and Article 53, paras. 28—31.

¹⁶ For text of relevant statements, see S C, 15th yr., 911th mtg.; President (USSR), paras. 3—5 and 42; Argentina, paras. 50, 51, 54 and 55; France, paras. 11—13; Italy, paras. 29 and 30; United States, paras. 15 and 19, concerning the admission of new Members.

¹⁷ See para. 29 below.

President, who referred to rule 9, stated that the Council had to deal first with the adoption of the agenda.

18. In certain instances the Council decided to adjourn a meeting without the agenda.¹⁸

19. On one occasion, however, when such a proposal was made prior to the adoption of the agenda, the President objected to the motion to adjourn the meeting before the decision was taken on the adoption of the agenda since that might unnecessarily create a precedent.¹⁹

20. The practice of adopting the agenda without vote,²⁰ unless objections were raised or a proposal made that the matter be put to the vote, generally continued during the period under review. Occasionally, there were objections to a proposed agenda without any request for a vote on its adoption.²¹ In such cases the President, after noting the objection, usually declared that since no vote was requested the agenda was adopted.²²

21. On other occasions, members, while not objecting to the adoption of the agenda, expressed reservations regarding the competence of the Council to consider a question on the proposed agenda.²³ In a number of cases, reservations were also expressed to the effect that the adoption of the agenda did not prejudice the order in which the items in the subparagraphs would be taken up or the procedure that the Council might later adopt in discussing them. In one such situation a member reserved the right to revert, after the adoption of the Agenda, to the question of sequence and organization of the discussion.²⁴

21. Other factors relating to the application of rule 9 concerned order of discussion of items on the

¹⁸ S C, 15th yr., 898th mtg., paras. 7–25; S C, 16th yr., 933rd mtg., paras. 1–32; 940th mtg., paras. 1–26, and S C, 17th yr., 989th mtg., paras. 26–75, in connexion with the situation in the Republic of the Congo; S C, 16th yr., 970th mtg., paras. 4–10, in connexion with applications for membership; S C, 19th yr., 1123rd mtg., para. 49, as a mark of sympathy to India; S C, 20th yr., 1269th mtg., paras. 8–10, to allow the First Committee to take a decision on questions relating to the item proposed for consideration by the Council.

¹⁹ S C, 20th yr., 1229th mtg., paras. 63–74, in connexion with the situation in the Dominican Republic.

²⁰ This procedure was extended to cases where addenda to the provisional agenda were proposed. Thus, for example, at the 928th meeting on 1st February 1961 the President (United Kingdom), before stating that the agenda was adopted, called attention (S C, 16th yr., 928th mtg., para. 55) to a communication (S/4650) by which Libya had requested to be included as a co-signatory of the letter (S/4641) relating to the situation in the Republic of the Congo, which appeared in the provisional agenda. See also S C, 16th yr., 973rd mtg., paras. 3–16, in connexion with the same situation.

²¹ In those instances where objections were raised to the adoption of an item in the proposed agenda and a vote was called for, the practice was to take a vote either on the proposal to include the item, as was the case at the 911th and 1170th meetings, or on the agenda as a whole and not on the individual item as was the case at the 847th, 987th and 991st meetings.

²² S C, 14th yr., 848th mtg., paras. 1–3, in connexion with the Secretary-General's report relating to Laos.

²³ S C, 20th yr., 1194th mtg., paras. 5–7, in connexion with the situation in Southern Rhodesia.

²⁴ S C, 19th yr., 1142nd mtg., paras. 2 and 3, in connexion with the complaint by the Government of Cyprus.

agenda;²⁵ the joint consideration of separate items dealing with the same issue,²⁶ the phrasing of items on the agenda²⁷ and the postponement of consideration of an item.²⁸

d. *Matters of which the Security Council is seized*

23. Although rule 10 was not explicitly invoked during the period under review, questions concerning the application of that rule were raised implicitly on one occasion, at the 973rd meeting on 13th November 1961, in connexion with an item on the provisional agenda entitled: "Letter dated 3rd November 1961 from the Permanent Representatives of Ethiopia, Nigeria and Sudan to the President of the Security Council (S/4973)".

24. Certain members of the Council, noting²⁹ that all the Council's previous discussions and resolutions on the situation in the Congo had been under an item entitled "Letter dated 13th July 1960 from the Secretary-General addressed to the President of the Security Council (S/4381)", maintained that there was no reason to justify any departure from that formula. It was further pointed out that the United Nations involvement in the Congo had been a continuing process, going back to the original request from the Secretary-General, and that since the Council was not beginning any new "programme" at that meeting there was no reason to change the title of the agenda item. There was no objection to amending the agenda to include the letter dated 3rd November 1961.

25. In accordance with rule 11 of the provisional rules of procedure, the Secretary-General continued the practice of circulating each week to members of the Council a summary statement of matters of which the Council was seized and of the stage reached in their consideration. The statement included all those items discussed by the Council which had not been the subject of an explicit decision to delete them,³⁰ or a statement by the President indicating

²⁵ S C, 15th yr., 896th mtg., paras. 8–29, in connexion with the situation in the Republic of the Congo.

²⁶ See, for example, S C, 19th yr., 1162nd mtg., para. 5; S C, 21st yr., 1288th mtg., paras. 8–83; S C, 21st yr., 1290th mtg., paras. 2–6; and 1292nd mtg., paras. 32 and 104, in connexion with the Palestine question.

²⁷ See, for example, S C, 15th yr., 912th mtg., paras. 19–101, in connexion with the situation in the Republic of the Congo, S C, 19th yr., 1127th mtg., paras. 1 and 2, in connexion with the question of race conflict in South Africa; S C, 19th yr., 1140th mtg., paras. 27–32, in connexion with the complaint by the United States (Gulf of Tonkin incident); and S C, 20th yr., 1250th mtg., paras. 141–144, in connexion with the India-Pakistan question.

²⁸ See, for example, S C, 20th yr., 1195th mtg., paras. 5–9, in connexion with the situation in Southern Rhodesia.

²⁹ S C, 16th yr., 973rd mtg., paras. 2–16.

³⁰ There were two instances, during the period under review, of decisions to remove questions from the list of matters of which the Security Council was seized: the request from Jordan, by letter dated 10th July 1964, for deletion of its complaint of 17th July 1958 (S/4053) against the United Arab Republic, and the request from Argentina, by letter dated 12th July 1965, for deletion of its complaint of 15th June 1960 (S/4336) against Israel. The Secretary-General notified the members of the Council of the requests by letter and stated in each case that, in the absence of any objections within a specified time, the item would be removed from the list of matters of which the Council was seized.

that the item had been disposed of.³¹ On occasion, however, at the conclusion of a debate, the President specifically expressed the sentiments of the Council by announcing that the Council would remain seized of a particular item.³²

2. REPRESENTATION AND CREDENTIALS (RULES 13-17)

26. During the period under review the Secretary-General continued the practice initiated in 1948 of circulating to members of the Council reports on the credentials submitted to him in accordance with the provisional rules of procedure. In the absence of a request that the credentials be examined by the Council, they were usually considered approved without objection. On those occasions, however, when, from lack of sufficient information, the Secretary-General was unable to formulate an opinion as to the adequacy of provisional credentials, the Council was notified accordingly. Such a situation arose in two instances during the period under review when the Secretary-General submitted to the Council communications from contending authorities in a Member State, each of which designated representatives to participate in the Security Council's proceedings. In its effort to determine whether one or both of the delegations claiming to represent the country should be invited, the Council was faced in each case not only with the provisional rules of procedure governing the question of representation and credentials but also with the problem of determining who exercised authority in the country concerned. In the absence of information as to which of the contending parties was regarded as the Government by the majority of States Members of the United Nations, it was emphasized that in dealing with the matter of credentials, the Council should avoid any action which could be interpreted as a judgement on the legitimacy of the Government in question, since that would be outside its competence.

27. In the first case, the Council accordingly rejected³³ a proposal to invite one of the designated delegations as the sole representative of the State. In the second case,³⁴ after a protracted discussion of rules 14, 15 and 16 of the provisional rules of procedure,³⁵ delegations were invited to participate under rule 39.³⁶

³¹ S C, 15th yr., 883rd mtg., para. 197, in connexion with the RB-47 incident; 895th mtg., para. 33, in connexion with the action of the (Organization of American States) relating to the Dominican Republic; and S C, 17th yr., 998th mtg., para. 169, in connexion with the letter of 8th March 1962 from the representative of Cuba concerning the Punta del Este decisions.

³² S C, 19th yr., 1086th mtg., para. 108, in connexion with the complaint by Panama; and S C, 20th yr., 1233rd mtg., paras. 2 and 3 in connexion with the situation in the Dominican Republic.

³³ S C, 15th yr., 899th mtg., paras. 5—58; 900th mtg., paras. 52—87, in connexion with the situation in the Republic of the Congo.

³⁴ S C, 20th yr., 1209th mtg., para. 51, in connexion with the situation in the Dominican Republic.

³⁵ During the proceedings, the President (Malaysia) expressed the view that rules 14 and 15 were applicable to the requests of the rival delegations for an invitation to participate in the discussions in the Council. One representative disputing

3. THE PRESIDENCY (RULES 18-20)

28. During the period under review, few issues were raised in connexion with the rules governing the Presidency. There were, for example, no special cases dealing with the application of rule 18, and the questions in connexion with rule 19 were concerned primarily with the formulation used by the President in expressing the wish or consensus of the Council.³⁷ In general, during the period covered, the provisions of rule 19 were expressed both explicitly and implicitly in decisions authorizing the President to undertake certain measures on behalf of the Council and to state its consensus with regard to certain questions or proposals before it.³⁸

29. Rule 20 was the subject of discussion at the 912th meeting on 7th December 1960, in connexion with the situation in the Republic of the Congo, when, prior to the adoption of the agenda, one

that view was of the opinion that it was rule 16 that applied, since under it the question of the validity of credentials did not have to be decided before the representative involved was invited to participate in a debate. It was further maintained by another representative that the application of rule 16 could in no case imply recognition of the validity of credentials submitted by any person requesting to be heard, since such recognition would have to be through express decision of the Council after appropriate examination by the Secretary-General. Moreover, it would by no means imply, even remotely, recognition of any Government or authority that might exist in the country concerned. On the other hand the President maintained that rule 16 covered only the credentials of representatives on the Council and could not therefore be applied to those who wanted to participate in the current discussions. Attention was then focused on the meaning of the term "representatives on the Council" mentioned in rules 14 and 15. One representative suggested that a representative on the Security Council could be either a representative of a State member of the Security Council, or a representative of a Member of the United Nations even if that Member was not a member of the Security Council. Another representative felt that the President's interpretation was somewhat restrictive, since, if the representatives referred to in rule 16 meant only the representatives of the members of the Council, rule 16 would have simply stated "Pending the approval of the credentials of the representatives on the Council..." That would have been a clear and unambiguous way of indicating that the reference was exclusively to the representatives of the members of the Security Council. No reference to rule 15 would have been needed, and rule 16 would have referred appropriately to rule 13. (S C, 20th yr., 1207th mtg.; President (Malaysia), paras. 9—11 and 40—43; France, paras. 26 and 27; USSR, paras. 57—60, Uruguay, paras. 84—92). For discussion concerning the meaning of the term "representative", see para. 32 below.

³⁶ See para. 64—70 below.

³⁷ S C, 19th yr., 1143rd mtg., paras. 293—358, in connexion with the complaint by the Government of Cyprus, and S C, 20th yr., 1227th mtg., paras. 16—39, in connexion with the situation in the Dominican Republic. In both instances certain members wondered whether the President's formulation reflected the views of the Council or simply those of the delegation he represented.

³⁸ S C, 19th yr., 1086th mtg., paras. 104—105, in connexion with the complaint by Panama, and S C, 19th yr., 1143rd mtg., paras. 314, 315 and 358, in connexion with the complaint by the Government of Cyprus. In both cases the President was authorized to address an appeal to the Governments involved. In another instance the President was empowered to undertake informal consultations with the members of the Council with a view to determining what action the Council might wish to take in securing information from the Democratic Republic of Viet-Nam and the Republic of Viet-Nam. S C, 19th yr., 1140th mtg., paras. 88—91 and 106—107, and 1141st mtg., paras. 22 and 23, in connexion with the complaint by the United States (Gulf of Tonkin incident).

representative proposed that the President (USSR) disqualify himself in view of the statement relating to the item on the provisional agenda which his delegation had issued when requesting the meeting. After the adoption of the agenda, the President reverted to that point and observed:

"First, the question whether he should preside over the meeting is left to the decision of the President. Secondly, the President can raise the matter and take his decision on it during the consideration of a particular question with which the State he represents is directly concerned. And in that event, under rule 20, 'The Presidential chair shall then devolve, for the purpose of the consideration of that question, on the representative of the member next in English alphabetical order'."

In the case under consideration, however, his Government's concern, like that of other members of the Council, was with strengthening peace in the Congo. Moreover, there had been occasions in the past when a member of the Council directly connected with the issue under consideration had presided over a meeting. In the current case there were no grounds for challenging the Soviet representative's occupancy of the presidential chair. Speaking as the representative of the USSR and, later, as the President, the President saw no justification on the basis of rule 20, for altering his decision to preside over the meeting and so declared. The matter was not pressed further.³⁹

4. CONDUCT OF BUSINESS (RULES 27-36)

a. Order of speaking

30. In regard to the order of intervention in a debate, there were few departures from the routine application of rule 27 and few objections to procedures recommended by the President in order to facilitate or expedite the proceedings. For example, on the recommendation of the President, exercise of the right of reply was postponed in certain instances until all the speakers inscribed on the list had completed their statements.⁴⁰ In other instances, members of the Council, in compliance with a request from the President, yielded their places on the list of speakers.⁴¹

³⁹ For text of relevant statements, see S C, 15th yr., 912th mtg.; President (USSR), paras. 1, 5, 11-13, 101-116 and 122; (United States), paras. 3, 4, 7, 8, 16 and 117-119.

⁴⁰ S C, 15th yr., 874th mtg., para. 5, in connexion with the complaint by Cuba (letter of 11th July 1960); and S C, 20th yr., 1263rd mtg., para. 24, in connexion with the situation in Southern Rhodesia. There were other instances, when postponement of the exercise of the right of reply was recommended in strict compliance with the rules, and there was a reluctance to allow a representative to make a statement in exercise of his right of reply before consecutive interpretation of the previous statement had been given and after a proposal for adjournment had been made. See, for example, S C, 16th yr., 975th mtg., paras. 118-126, in connexion with the situation in the Republic of the Congo; S C, 17th yr., 993rd mtg., paras. 165-178, in connexion with the complaint by Cuba concerning the Punta del Este decisions; and S C, 17th yr., 1022nd mtg., paras. 186-201, in connexion with complaints by the representatives of Cuba, the USSR and the United States.

⁴¹ S C, 15th yr., 893rd mtg., paras. 27 and 71, in connexion with the letter of 5th September 1960 from the USSR (Action

31. On the other hand, when there were objections to the way in which rule 27 was interpreted and applied by the President, the principal issues⁴² raised concerned:

- (i) Whether rule 27 referred only to representatives on the Security Council;
- (ii) Whether the list of speakers could be drawn up before the meeting or after the adoption of the agenda;
- (iii) Whether a list of speakers, which included invited representatives could be drawn up before the Council had decided whether or not it would invite such representatives;
- (iv) Whether the priority of speakers should be decided on the basis of the merits of the case or the order in which requests for inscription on the list of speakers were received.

32. With regard to the first question, the President sought to clarify the meaning of the term "representatives" as used in rule 27 by drawing attention to rule 14, which in his view designated representatives as persons appointed by Governments invited to take part in the meetings of the Council. Consequently, "in the absence of some other, express designation, the Chair cannot but assume that the term 'representatives', as used in rule 27 applies both to representatives of countries which are members of the Security Council and to representatives of States which have been invited to participate in the meeting".⁴³

33. With regard to the second and third questions, the President maintained that although it would be difficult to determine the precise moment when speakers should put their names on the list, current Security Council practice sometimes allowed speakers to list their names before the agenda was adopted.⁴⁴ Finally, with regard to the question whether priority should be accorded on the basis of the merits of the case, the view prevailed that under rule 27 the President was obliged to call on speakers in the order in which they had inscribed their names and that that order was determined by the time at which the requests were received.⁴⁵

b. Establishment of subsidiary bodies

34. Rule 28 was invoked on one occasion during the period under review, in support of an explanation

of the OAS (in relation to the Dominican Republic); and S C, 20th yr., 1210th mtg., para. 5, in connexion with the complaint by Senegal.

⁴² Ancillary issues raised were whether rule 27 was applicable before or after a complaining party had been heard, and whether the rule might be suspended on a substantive point (S C, 19th yr., 1095th mtg., paras. 18-32, and 1142nd mtg., paras. 9-37 and 46 in connexion with the complaint by the Government of Cyprus).

⁴³ S C, 19th yr., 1136th mtg., para. 16, in connexion with the complaint by the Government of Cyprus.

⁴⁴ S C, 19th yr., 1136th mtg., paras. 4-35, in connexion with the complaint by the Government of Cyprus.

⁴⁵ In this connexion, one member was of the opinion that if the Council decided who should speak first on the basis of the merits of a case, it would have to debate the merits of each case before it could decide who should speak first (S C, 19th yr., 1142nd mtg., paras. 35-37, in connexion with the complaint by the Government of Cyprus).

by the President that a decision to establish a subsidiary organ was a decision falling under Article 29 and not under Article 34 of the Charter. Consequently, the question was procedural and could not be rendered void by the negative vote of a permanent member.⁴⁶

c. Presidential rulings

(i) *Raising of points of order*

35. Questions concerning the raising of points of order by invited representatives were considered at the 1247th meeting on 23rd October 1965 during consideration of the India-Pakistan question when the Chair permitted the representative of India, not a member of the Council, to interrupt, on a point of order, the statement of the representative of Pakistan, another non-member. After it was pointed out that, under the provisional rules of procedure, invited representatives had no authority to raise points of order, the President explained that he had permitted the interruption simply to find out why the representative of India wished to have the floor, since it was only then that he could determine whether or not the representative was out of order. The President then stated that, under the rules of procedure, the representative of India was not entitled to raise points of order, which was the prerogative of members of the Council. He queried whether that representative wished to make some statement that was not a point of order. During the exchange of views, both India and Pakistan expressed differences of opinion as to whether each had in fact been permitted to raise a point of order.⁴⁷

36. The question whether the President was obliged to make a ruling on a point of order was the subject of discussion at the 1142nd meeting on 8th August 1964, during consideration of the complaint by the Government of Cyprus. On a point of order, a representative made a formal proposal to change the order of speakers. In explaining to the Council why he had not made a ruling, the President declared that he had not been requested to do so. If a formal proposal had not been made he would, as a matter of course and in accordance with his duties, have followed rule 27.⁴⁸

(ii) *Challenge to a presidential ruling*

37. On several occasions, during the period under review, the mode of putting questions after a presidential ruling had been challenged gave rise to discussion. In one instance the President accepted a correction and acknowledged that it was his ruling and not the challenge to that ruling that should be

⁴⁶ For text of relevant statements, see S C, 14th yr., 848th mtg., President (Italy), paras. 79 and 127-132; USSR, paras. 134-138, 158 and 161; United States, paras. 149 and 150, in connexion with the Secretary-General's report concerning Laos. See also this *Supplement* under Article 34, paras. 55-62.

⁴⁷ For text of relevant statements, see S C, 20th yr., 1247th mtg., President (Uruguay), paras. 85-87, 102, 104, 106 and 108; India, paras. 80-84; Jordan, para. 89; Pakistan, paras. 103 and 107.

⁴⁸ For text of relevant statements, see S C, 19th yr., 1142nd mtg., President (Norway), paras. 18, 45 and 46; Ivory Coast, paras. 42 and 43; USSR, paras. 9-13 and 29-33.

put to the vote.⁴⁹ In another, a negative formulation to the effect that those members of the Council who disagreed with the President's interpretation of certain practices of the Security Council should so signify by raising their hands, elicited the request that the President put his ruling to the vote "in a positive form, as is required under rule 30 of the provisional rules of procedure". The President, citing a precedent for his formulation, restated in detail the interpretation to be submitted to the vote but, before the vote was taken, the representative withdrew the challenge.⁵⁰

38. An apparent discrepancy in the Russian and English versions of rule 30 gave rise to discussion whether, in the event of a challenge to a presidential ruling, members of the Council were permitted to express their views concerning the ruling before the matter was put to the vote. At the 989th meeting on 30th January 1960, in connexion with the situation in the Republic of the Congo, after a ruling by the President had been challenged but before the matter had been put to the vote, one representative requested the floor on the contention that "every member of the Council should have full opportunity to discuss this matter on the basis of rule 30...". In declining the request, the President (United Kingdom) explained that, in accordance with rule 30, once a ruling was challenged, the President had no option but to submit it to the Council for immediate decision. Quoting the Russian version of rule 30,⁵¹ which in translation reads as follows:

"After a representative raises a point of order the President shall immediately state his ruling. If it is challenged, the President shall submit his ruling for consideration by the Security Council for immediate decision..."

the representative wondered how the ruling could be "considered" by the Council if it were not first discussed by the Council. In reply, the President stated that the Council's discussion was governed by the English and French texts of rule 30, both of which obliged the President, once his ruling had been challenged, to submit the matter for immediate decision by the Security Council. The contested ruling was then put to the vote without discussion.⁵²

d. The requirement of written submission for proposed resolutions, amendments and substantive motions

39. Rule 31, which governs the submission of proposed resolutions, amendments and substantive motions, states that these submissions "shall normally be placed before the representatives in writing".

⁴⁹ S C, 17th yr., 998th mtg., paras. 147-156, in connexion with the letter of 8th March 1962 from the representative of Cuba concerning the Punta del Este decisions.

⁵⁰ S C, 17th yr., 1016th mtg., paras. 101-143, in connexion with the India-Pakistan question.

⁵¹ The English version of rule 30 reads thus: "If a representative raises a point of order, the President shall immediately state his ruling. If it is challenged, the President shall submit his ruling to the Security Council for immediate decision and it shall stand unless overruled".

⁵² For text of relevant statements, see S C, 17th yr., 989th mtg.; President (United Kingdom), paras. 49, 62, 71 and 74; USSR, paras. 56, 57, 69-70 and 72 and 73.

On occasion, however, such submissions were placed before the Council orally and accepted by the President without objection. In other cases the requirement that a written text be submitted was emphasized. That in turn gave rise to discussion whether rule 31 covered the submission of revisions to draft resolutions. While there were no clearly defined criteria as to when exceptions to the rule might be permitted, the practice of the Council, in regard to the oral submission of amendments and revisions to draft resolutions, seemed to be based on the discretion of the President and on the condition that proposed amendments and revisions be simple in formulation and brief in content. The cases presented below illustrate the kinds of developments and issues having a bearing on the character and application of this rule which occurred during the period under review.

40. At the 942nd and 966th meetings oral submission of amendments to draft resolutions was permitted⁵³ by the President. Although there was no significant discussion about rule 31, one representative, in the first case, wondered whether the absence of a written text did not involve a breach of the provisional rules of procedure. In reply, the President noted that in a number of previous instances, amendments not submitted in writing had been accepted.

41. At the 1214th meeting on 21st May 1965, in connexion with the situation in the Dominican Republic, the President objected to the verbal revision of a draft resolution which had been previously submitted to the Council, on the grounds that the revisions were substantive and involved rewriting a whole paragraph and putting two paragraphs in its place. Although the sponsor was prepared to submit the revised text in writing in order to facilitate the work of the Council, he contended that rule 31 referred not to revisions but to proposed resolutions, amendments and motions, and that, under prevailing practice, the revision of a text was a normal procedure and was usually carried out verbally.⁵⁴

c. Sponsors and movers of draft resolutions

42. At its 998th meeting on 23rd March 1962, the Council agreed as an exception to give the floor to an invited representative after a request had been made for a division of the vote on a draft resolution submitted by the invited representative and put to the vote, in accordance with rule 38, at the request of a member of the Council. The discussion which preceded the decision revolved around the question whether the member which, under rule 38, had requested that the matter be put to the vote was the original mover within the meaning of rule 32. Disputing such an implication, the representative maintained that the fact that he had requested that the draft resolution be put to the vote did not make him its sponsor, nor did it make him "responsible

⁵³ S C, 16th yr., 942nd mtg., paras. 167-175, in connexion with the situation in the Republic of the Congo and 966th mtg., paras. 59-66, in connexion with the complaint by Tunisia.

⁵⁴ For text of relevant statements, see S C, 20th yr., 1214th mtg.: President (Malaysia), paras. 63 and 64; Uruguay, paras. 65 and 66.

for answering questions about the text or the procedure of voting upon it". On the other hand, the interpretation given by the President that, in accordance with rule 32 the member requesting the vote was the mover of the question was generally supported by the members of the Council.⁵⁵

f. Order of precedence of motions under rule 33

43. There were several occasions during the period under review when the application of rule 33 concerning the precedence of motions was the subject of observations and queries, but no specific ruling by the President or decision by the Council was called for. On the other hand, there were two instances during consideration of the situation in the Republic of the Congo when as a result of objections to the interpretation of rule 33 (2), the President was obliged to make a ruling. He had to rule on (a) whether the President could, after the adoption of a motion to adjourn but before the meeting was actually adjourned, entertain another motion proposing a date and time for the next meeting; and on (b) whether rules concerning the conduct of business, of which rule 33 was one, could be applied before the adoption of the agenda.

44. The first question was raised at the 898th meeting on 12th September 1960. The representative who introduced a new proposal after the motion for adjournment had been adopted contended that, since the meeting was still in progress, the newly submitted proposal should be put to the vote. After another representative, on a point of order, observed that, on the adoption of a motion to adjourn, no further motions were in order, the President (Italy) ruled that the Council had adopted a motion for adjournment and therefore must consider itself adjourned.⁵⁶

45. At the 989th meeting on 30th January 1962, after adjournment under rule 33 had been proposed, one representative, speaking on a point of order, drew attention to the fact that the agenda had not been adopted. He cited rule 9, which provides that the first item on the provisional agenda must be the adoption of the agenda and observed that rule 33, on which the motion for adjournment was based, related to a stage of the Council's work which was intended to follow the adoption of the agenda. The Council had not reached the stage of conducting its business, however, for it had not yet discussed the agenda. The President (United Kingdom) stated

⁵⁵ For text of relevant statements, see S C, 17th yr., 998th mtg.: President (Venezuela), paras. 85, 86, 91, 92, 97, 102, 108 and 113; Chile, paras. 105 and 106; France, paras. 98 and 99; Ghana, paras. 78 and 80; Ireland, para. 101; USSR, paras. 88, 89, 94 and 95; United Arab Republic, paras. 83, 103 and 112; United Kingdom, para. 100; in connexion with the letter of 8th March 1962 from the representative of Cuba concerning the Punta del Este decisions.

⁵⁶ For text of relevant statements, see S C, 15th yr., 898th mtg.: President (Italy), paras. 9, 25 and 26; USSR, paras. 16 and 22, United States, paras. 8, 13, 19 and 24. It might be pointed out that at the 897th mtg., on 10th September 1960, in connexion with the situation in the Republic of the Congo, after a motion for adjournment under rule 33 (3) was adopted, the Council permitted a member to comment on a statement made by the President (S C, 15th yr., 897th mtg., paras. 88-95).

that rule 9 related to the drawing up of the agenda, while rule 33 was one of the rules which governed the conduct of business. In his opinion rule 33 was "the governing rule for present purposes", and his ruling, therefore, was that the motion to adjourn the meeting under rule 33 had to be put to the vote without delay. It was further contended, however, that rule 33 referred to principal motions and draft resolutions submitted in the course of a meeting which had already opened and which had adopted its agenda. In seeking to apply that rule when the agenda had not been adopted and when, consequently, no principal motions or draft resolutions could be made, the President was violating the rules of procedure. The challenge to the President's ruling based on that interpretation was rejected by 7 votes to 2, with 2 abstentions.⁵⁷

46. In two other instances⁵⁸ it was established by the Council that motions under rule 33 (3) to adjourn a meeting until a certain day, or hour were subject to debate, while, in accordance with the same rule, motions for suspension or simple adjournment, under subparagraphs 1 and 2 respectively, were not.⁵⁹ Moreover, motions under those two subparagraphs had precedence over other motions.⁶⁰ On that point, however, there was some doubt whether motions for simple suspension could be entertained while a vote was in progress. At the 982nd meeting on 24th November 1961, in connexion with the situation in the Republic of the Congo, in response to a motion for the suspension of the meeting for ten minutes, one representative stated that it was his understanding of the provisional rules of procedure that once a vote had been commenced it could not be interrupted. If, however, the object of the suspension was to secure unanimity, his delegation would be prepared to consider the request for suspension. The President then explained that, under the rules of procedure, he was obliged to continue the voting since it had already begun. If

⁵⁷ For text of relevant statements, see S C, 17th yr., 989th mtg.; President (United Kingdom), paras. 31, 62 and 74; USSR, paras. 56, 57, 63, 64 and 69; United States, para. 30, in connexion with the situation in the Republic of the Congo. In one instance a proposal that the Council defer until the following day its decision to place an item on the agenda was adopted without objection (S C, 21st yr., 1272nd mtg., para. 112 in connexion with the letter of 31st January 1966 from the representative of the United States).

⁵⁸ S C, 15th yr., 913th mtg.: President (USSR), paras. 68, 70 and 75; and S C, 16th yr., 979th mtg.: President (USSR), paras. 54, 57, 60, 65, and 67; Ecuador, paras. 61-64; Liberia, para. 59; USSR, paras. 70-72; United States, paras. 53, 56, 58 and 66, in connexion with the situation in the Republic of the Congo.

⁵⁹ See, for example, S C, 19th yr., 1093rd mtg., paras. 16-20, in connexion with the India-Pakistan question.

⁶⁰ See, for example, S C, 16th yr., 979th mtg., paras. 59-63, in connexion with the situation in the Republic of the Congo. In another development the President, in declining to suspend a meeting for half an hour, explained that there were still two speakers on his list and proposed instead that the Council decide the question of suspension after hearing those two representatives. Thereupon, the representative who had moved for a suspension of the meeting declared that the question at issue was either following the rules of procedure, or departing from them. But in the circumstances he said he would not insist on the application of the rules (S C, 19th yr., 1150th mtg., paras. 26-40, in connexion with the complaint by Malaysia).

the member insisted on suspension, however, he would have to put his motion to the vote.

47. The motion was put to the vote and adopted by a vote of 9 to 1, with 1 abstention, and the meeting was suspended for fifteen minutes.⁶¹

g. Withdrawal of motions or draft resolutions

48. The provisions of rule 35 concerning the withdrawal of motions or draft resolutions were the subject of discussion and clarification on two occasions during the period under review. In the first instance,⁶² the conclusion by the President that a proposal not pressed to the vote by its sponsors amounted in effect to its withdrawal was disputed by a sponsor on the grounds that not pressing a proposal to the vote did not mean that it was withdrawn. The President concurred with that interpretation.

49. In the second case, at the 998th meeting on 23rd March 1962, the question when the right of withdrawal might be exercised was raised in connexion with the letter dated 8th March 1962 from the representative of Cuba concerning the Punta del Este decisions. On that occasion an attempt to withdraw a draft resolution after rejection by the Council of one of its operative paragraphs was objected to. The basis for the objection was that under rule 35, a motion or draft resolution could be withdrawn only if no vote had been taken on it: since a vote had already been taken on a part of the draft resolution in question, it could no longer be withdrawn. In connexion with that interpretation, the view was advanced that the first paragraph of rule 35 related to a motion or draft resolution as a whole and not to parts of it.

50. The President (Venezuela), however, ruled that since a vote had already been taken with respect to the draft resolution and since one of its paragraphs had been voted on and rejected, no one was entitled to withdraw it. That ruling was upheld by 7 votes to 2, with 2 abstentions.⁶³

51. In a third instance, differences of opinion were expressed over the second paragraph of rule 35 when a representative who was neither the sponsor of a draft resolution nor its seconder sought to bring the draft resolution to a vote. Another representative, drawing attention to the relevant provisions of rule 35 felt that such a motion could not be considered a formal proposal since such motions could be made only by those delegations which had sponsored or seconded the draft resolution.⁶⁴

⁶¹ For text of relevant statements, see S C, 16th yr., 982nd mtg.: President (USSR), paras. 88, 92 and 94; Liberia, para. 90; United States, paras. 87, 91 and 93.

⁶² S C, 15th yr., 863rd mtg., paras. 43-46, in connexion with the letter of 23rd May 1960 from the representatives of Argentina, Ceylon, Ecuador and Tunisia.

⁶³ For text of relevant statements, see S C, 17th yr., 998th mtg.: President (Venezuela), paras. 142-145 and 156; Cuba, para. 123; USSR, paras. 129-131, 136, 147 and 149; United States, paras. 124 and 125.

⁶⁴ For text of relevant statements, see S C, 20th yr., 1204th mtg.: United States, paras. 97 and 112; Uruguay, para. 108, in connexion with the situation in the Dominican Republic.

C. Application of rule 39

52. There were two instances⁶⁵ during the period under review when the application of rule 39 was the subject of discussion. In the first case, questions arose over a request for participation in the proceedings of the Council, made on behalf of a constitutionally recognized minority, while, in the second, discussion ensued when two parties claiming to represent the Government of a Member State requested an invitation to participate.

1. DECISION OF 27TH FEBRUARY 1964 IN CONNEXION WITH THE COMPLAINT BY THE GOVERNMENT OF CYPRUS

53. At the 1098th meeting on 27th February 1964, during consideration of the complaint by the Government of Cyprus, the President (Brazil) called attention to a communication⁶⁶ dated 19th February from the representative of Turkey containing a request from the Vice-President of Cyprus, Dr. Fazıl Küçük, that Mr. Rauf Denktas be allowed to address the Council "in the name of the Turkish Cypriots". The communication explained that Mr. Denktas was the President of the Turkish Communal Chamber, duly established under the Cyprus Constitution and that it would serve justice and equity if he were permitted to address the Council as the representative of one of the interested parties in the Cyprus question.

54. Representatives objecting to that request maintained that the Council had already invited the accredited delegation of the Republic of Cyprus to participate in its proceedings, and since there was no reason to doubt the competence and character of that delegation, there was no need for the Council to grant a hearing to anyone else, particularly to someone who had been absent from Cyprus for a number of weeks and was therefore not in a position to supply any really valuable new information on the situation in Cyprus. Should the Council agree to give a hearing to the "re-called representative of the Turkish community in Cyprus", as the request before it had been worded, such an action would inevitably constitute interference in the domestic affairs of Cyprus.

55. Representatives favouring the request drew the attention of the Council to the fact that several provisions in the constitution of Cyprus expressly recognized the existence of a separate Turkish-Cypriot community and the right of the Vice-President to represent that community in the field of foreign affairs, defence and security. Moreover, in view of the serious deterioration of relations between the two communities, the Council's consideration of the question would be materially assisted by hearing a statement from the representative of the Turkish-Cypriot community.

⁶⁵ There was a third instance, by implication, in connexion with the Palestine question, when the Council agreed to have a representative of a subsidiary organ available for questioning, provided no precedent was established thereby (S C, 17th yr., 1000th mtg., paras. 11-13 and 18).

⁶⁶ S C, 19th yr., Suppl. for Jan.-March, p. 76, S/5556.

56. The representative of Morocco proposed that the Council invite Mr. Denktas to present his views before the Council, in accordance with rule 39 of the provisional rules of procedure.

57. One representative sought clarification of the issue to be voted on, since the individual concerned could appear before the Council to supply information in the capacity specified in rule 39, as a competent person, not as representative of any community. Another representative recalled that Mr. Denktas was seeking to address the Council "as the representative of the Turkish Cypriot community, one of the interested parties in the Cyprus question", and that that was the only request before the Council, and he likewise suggested that the President clarify the matter.

58. The President then explained that a decision had to be taken strictly within the terms of rule 39, but since there was no consensus among the members, a formal proposal from the members was needed.

59. One representative observed that there was nothing in rule 39 which specified the form in which information might be supplied to the Council, so it could be supplied in a form other than that of an oral statement. Since a letter containing Mr. Denktas' views, together with certain other information, was in the possession of the Council, there was no reason why the Council should request Mr. Denktas to make an oral statement. Another representative maintained that although rule 39 stated that the Security Council "may" invite persons to supply it with information, it did not in any way state that such persons must necessarily be heard by the Council.

60. Supporters of the Moroccan proposal observed that the Council had always decided on the merits of each individual case in which requests had been made for invitations under rule 39, and that that practice should be continued. Moreover, it was clear from the wording of rule 39 that, in the granting of such requests, legal or constitutional questions did not have to be examined since the Council's decision was based solely on consideration of whether or not the person to be invited was in a position to supply information likely to enlighten it.

61. One representative stated that it was his understanding that the Council was, in effect, rejecting the request that Mr. Denktas be allowed to address it "as the representative of the Turkish Cypriot community, one of the interested parties in the Cyprus question", because there could not be any other party to that question than the Government of Cyprus which was represented by its delegation. Another representative, disagreeing with that interpretation, noted that the proposal of Morocco to invite the representative of the Turkish Cypriot community in Cyprus was made under rule 39.

62. In the view of another representative, the request from the representative of Turkey was not submitted under rule 39 of the provisional rules of procedure. The Council should, therefore, first decide that there were no substantive or procedural ground for hearing Mr. Denktas as representative

of a party to a dispute. Then and only then could the Council consider the entirely different proposal that the gentleman be granted a hearing under rule 39.

63. The representative of Morocco cautioned against forcing the Council into the position of having to take a decision on a request by a Member State, and suggested that in a spirit of conciliation the Council might get around the difficulty by deciding the question under rule 39 as he had proposed.⁶⁷

Decision

In the absence of objection, the Moroccan proposal was adopted without vote.⁶⁸

2. DECISION OF 13TH MAY 1965 IN CONNEXION WITH THE SITUATION IN THE DOMINICAN REPUBLIC

64. At the 1207th meeting on 13th May 1965, in connexion with the situation in the Dominican Republic, the representative of the USSR called attention to a telegram of the same date from Mr. Jottin Cury, "Minister for Foreign Affairs of the Dominican Republic", stating that Mr. Rubén Brache had been appointed as permanent representative of that country to the United Nations and requesting that he be received in that capacity by the Security Council. Since the telegram had a direct bearing on the question on the agenda, the representative of the USSR requested the President to provide the necessary explanations to the Council on the matter.

65. After the President (Malaysia) had explained that the question of Mr. Brache's participation could be decided only after his credentials had been approved, in accordance with rules 14 and 15 of the provisional rules of procedure, the Secretary-General stated that since 5th May he had received a series of communications from the "Constitutional Government" and the "Government of National Reconstruction" of the Dominican Republic which, *inter alia*, designated Mr. Rubén Brache and Dr. Guaroa Velazquez, respectively, as permanent representative to the United Nations. The Secretary-General further stated that in a telegram dated 10th May from the Secretary of State for Foreign Affairs, he had been informed that the "Government of National Reconstruction" had authorized Mr. Guaroa Velazquez to represent the Dominican Republic before the Security Council of the United Nations in the discussions concerning the situation in the Dominican Republic. From the statements which had been made in the Security Council and the communications received from the Organization of American States concerning the Dominican Republic, it was apparent that it was far from clear which of the contending authorities constituted the Government

⁶⁷ For text of relevant statements, see S C, 19th yr., 1098th mtg.: President (Brazil), paras. 2, 11, 16, 35 and 41; Bolivia, paras. 8-10; Czechoslovakia, paras. 21-23, 54 and 55; France, para. 28; Morocco, paras. 7, 17, 20 and 60; USSR, paras. 3, 4, 12-14, 31-33, 37, 44 and 49-52; United States, paras. 19 and 38.

⁶⁸ S C, 19th yr., 1098th mtg., para. 61.

of the country. Furthermore, there was no other information available about which of the contending authorities was regarded as the Government by a majority of States Members of the United Nations. In such circumstances, the Secretary-General did not have enough information to form any opinion on the adequacy of the provisional credentials which had been submitted.

66. One representative, noting that in the course of the debate no direct information on the situation in the Dominican Republic had been received by the Council, suggested that the Council call upon Mr. Rubén Brache to provide such information. He drew attention to the fact that, under rule 16 of the provisional rules of procedure, the question of the validity of credentials did not necessarily have to be decided upon before the representative concerned was invited to participate in the debate; and he observed that the question to which the Council should address itself was not whether Mr. Brache's credentials were valid for the purpose of accrediting him in the capacity of permanent representative, but simply whether the Council wished him seated at its table to supply information.

67. During the discussion, the President, disagreeing with the applicability of rule 16, suggested that rule 39 might be applicable, although he himself had doubts in view of the contents of the telegram which requested that Mr. Brache be received in his capacity as the permanent representative of the Dominican Republic.

68. Without objecting formally, one representative cautioned the Council against taking any action under rule 39 at that stage. He recalled that the situation in the Dominican Republic remained confused and that to embroil the Council in a long and tendentious discussion about who was the representative of the Dominican Republic could hardly contribute constructively to the disposition of the case. Moreover, it should be noted that there were two persons claiming to represent the Dominican Republic, and in such circumstances it would be unwise for the Council to invite contending spokesmen to appear before it. In view of the fact that the question under consideration concerned current events in the Dominican Republic and the activities of the Organization of American States, his delegation questioned whether Mr. Brache was personally in a position to provide first-hand information in any case or should be invited to do so under rule 39, since he had not been in the Dominican Republic since the rebellion began.

69. The President recalled that he had drawn attention to rule 39 which put the obligation on the Council itself to invite any person whom it considered competent to supply it with information. He asked whether it was the wish of the Council "that this particular representative, as an individual who may, in the view of some of the members, be in a position to contribute useful information, should be invited to participate and whether we should hear a statement from him".

70. At the 1209th meeting on 14th May 1965, one representative, noting that the Secretary-Gen-

eral in his report⁶⁹ had been unable to formulate any opinion on the adequacy of the provisional credentials, suggested that the Security Council could follow one of two courses: invite both persons to speak or decline to invite either. He felt that it would be beneficial to the discussion if the Council became acquainted with the views of both sides, and that they should, therefore, be heard in accordance with the relevant rule of procedure. Another representative recalled the procedure adopted in the discussion of the Cyprus question in which the Council had extended an invitation in accordance with rule 39,⁷⁰ and suggested that the two persons from the Dominican Republic be heard under that rule.⁷¹

⁶⁹ S C, 20th yr., Suppl. for April—June, p. 118, S/6353.

⁷⁰ See para. 63 above.

⁷¹ For text of relevant statements, see: S C, 20th yr., 1207th mtg.: President (Malaysia), paras. 6—12, 44—46, 94—96,

Decision

At the same meeting the President stated:

“I hear no objection, and I assume therefore that the consensus is that these two gentlemen who have asked to participate should be invited under rule 39, bearing in mind the readiness of some delegations and the reluctance of other delegations to see rule 39 applied. In substance, however, all members have agreed that the two gentlemen might be given an opportunity to place whatever facts they have before the Security Council”.⁷²

98 and 100; Secretary-General, paras. 14—22; France, paras. 25—27, 63, 64 and 99; USSR, paras. 4 and 5; United States, paras. 69—74 and 97; 1209th mtg.: President (Malaysia), paras. 33, 48 and 50; Ivory Coast, paras. 27, 28 and 49; Jordan, paras. 21 and 22; United States, paras. 29—31.

⁷² S C, 20th yr., 1209th mtg., para. 51.