

ARTICLE 30

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ARTICLE 30

TEXT OF ARTICLE 30

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

INTRODUCTORY NOTE

1. The Security Council adopted amendments to its provisional rules of procedure on one occasion during the period under review.¹

2. In the application of its provisional rules of procedure, the Council continued, in general, to rely upon the body of practice established during previous years. On a number of occasions, however, when confronted with special circumstances, the Council resorted to procedures which could be said to throw added light on the scope and meaning of some of its existing rules. The present study contains a number of such cases as well as a brief indication of prac-

tices which may be regarded as representing discernible tendencies. In this category falls the continued practice of circulating communications to the Security Council concerning matters in respect of which no request had been made for consideration by the Council as well as communications from sources other than those defined in rule 6 and from sources whose international status was in dispute. Also included in this category are instances in which the Council adopted an agenda that included two or more items, expressive of essentially the same or a related question, with the understanding that representatives could address themselves to any part of the agenda.

3. As in the *Repertory* and earlier supplements, certain of the Council's rules are dealt with under other Articles of the Charter.

¹ For the text of the provisional rules of procedure current during the period covered by the present *Supplement*, see S/96/Rev.5, *United Nations Publication*, Sales No. E.69.1.9.

SUMMARY OF PRACTICE

4. At the 1463rd meeting on 24 January 1969, the Security Council included in its agenda the question of the working languages of the Security Council at the request of the representatives of Spain and the USSR. In its resolution 263 (1969), adopted at the same meeting,² the Council decided to include Russian and Spanish among the working languages of the Security Council and amended rules 41, 42, 43 and 44 of the provisional rules of procedure accordingly.

A. Adoption and amendment of the provisional rules of procedure

****1. CONSIDERATIONS ARISING FROM THE NATURE OF THE SECURITY COUNCIL AS THE ORGAN CHARGED WITH PRIMARY RESPONSIBILITY FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY**

2. METHOD OF ADOPTING OR AMENDING THE RULES OF PROCEDURE

5. In the one instance³ in which the provisional rules of procedure were amended during the period under review, the initiative was taken by the General Assembly. By its resolution 2479 (XXIII) of 21 December 1968, the Assembly decided to include Russian among the working languages of the General Assembly, considered it desirable to include Russian and Spanish among the working languages of the Security Council and further requested the Secretary-General to transmit that resolution to the President of the Council. Subsequently, two members of the Council, in *notes verbales*⁴ dated 16 January 1969, requested a meeting of the Council to consider the measures to be taken in the light of the above-mentioned Assembly resolution. The proposed amendments to the provisional rules of procedure were contained in a draft resolution submitted by eight Member States on 24 January 1969⁵ and adopted by the Council without change.⁶

³ See para. 4 above.

⁴ S C, 24th yr., Suppl. for Jan.-March, p. 56, S/8967 and S/8968.

⁵ *Ibid.*, 1463rd mtg., para. 39, S/8976.

⁶ S C resolution 263 (1969) adopted at the 1463rd mtg. on 24 January 1969.

² S C, 24th yr., 1463rd mtg., para. 185.

B. Essential features of the provisional rules of procedure

1. AGENDA (RULES 6-12)

a. Circulation of communications

6. The practice of interpreting rule 6 of the provisional rules of procedure of the Security Council in a flexible manner continued during the period under review, permitting communications from States concerning matters of which the Security Council was seized as well as other matters, to be circulated as official Security Council documents without the Council being requested to consider the matter.⁷

7. Communications from entities whose international status was in dispute among the members of the Security Council occasionally raised doubt as to whether the Secretary-General was required under rule 6 to circulate such communications and whether they should be issued as official Security Council documents. On one occasion, a communication from such an entity was issued officially as an enclosure to a *note verbale*⁸ from a member of the Security Council which formally requested its circulation. On two occasions, communications from the same source were issued as official documents⁹ bearing a foot-note that they were being circulated at the direction of the President of the Security Council, and on two other occasions such communications were transmitted unofficially¹⁰ to the members of the Council at the direction of the President of the Council.

8. In one instance, a communication from a source other than those described in rule 6 addressed to the Secretary-General and calling for Security Council consideration of a matter was issued officially as a part of a note by the Secretary-General¹¹ which also contained the Secretary-General's reply and his report on subsequent developments.

9. In one instance, after a number of members of the Security Council had expressed the wish to receive a report of a subsidiary organ of the United Nations, a representative stated that, in view of certain complications in the past, it had become a standing and well-founded practice to make the reports of that body available to the Security Council only at its express wish or at the request of the President acting on behalf of the Council. Subsequently, the President of the Council, on behalf of the Security

Council, requested the Secretary-General to provide the Council with the report in question and the Secretary-General replied that the report would be submitted to the Security Council the next day.¹²

10. Communications from regional agencies, received pursuant to Article 54¹³ of the Charter, were also regularly circulated as official Security Council documents.

b. The provisional agenda

11. There were two instances during the period under review when rule 7 was invoked in connexion with questions raised concerning the provisional agenda. In the first instance,¹⁴ objections were raised that the provisional agenda contained only items which the Council had previously decided to defer, namely the last group of items covered by paragraph 2 of rule 7, but made no reference to the communications which had led to the convening of the meeting. The President of the Council stated that he had approved the provisional agenda in accordance with rule 7 and had informed the Council, in his initial statement of the meeting, that the communications in question were before the Council in just the same way as the other items and were inseparably related to the provisional agenda. After a brief procedural discussion and following the proposal of a member, the aforementioned communications were added to the agenda without objection.

12. In the second instance,¹⁵ before the adoption of the agenda, the President called the Council's attention to a communication which had just been received and which might be added as item 3 to the provisional agenda containing the communication requesting the meeting as item 2. After a suggestion had been made to list both communications under the single heading as item 2 and an objection to this proposal had been voiced, the President, citing rule 7, stated that there was no overriding rule and that the provisional agenda had been approved by the President. He added that there were precedents for inscribing communications dealing with related matters either as a single item or as separate items on the agenda. After further discussion, the Council decided, without objection, to inscribe the two communications as separate items on the agenda under identical headings, with the understanding that speakers could refer in their statements to any part of the agenda.

13. On a number of occasions,¹⁶ Council meetings were

⁷ Communications bringing matters concerning the maintenance of international peace and security to the attention of the Council usually contained a specific request for their circulation as official Security Council documents and were subsequently circulated as such (S/ series documents). See G A (XXI), Suppl. No. 2, pp. 86-102; G A (XXII), Suppl. No. 2, pp. 92-107; G A (XXIII), Suppl. No. 2, pp. 102-120; G A (XXIV), Suppl. No. 2, pp. 95-111.

⁸ S C, 21st yr., Suppl. for July-Sept., pp. 139-143, S/7508.

⁹ S C, 24th yr., Suppl. for July-Sept., p. 186, S/9455; *ibid.*, Suppl. for Oct.-Dec., pp. 165 and 166, S/9579.

¹⁰ S C, 23rd yr., 1445th mtg., President (Brazil), paras. 14, 146-148 and 151.

¹¹ S C, 24th yr., Suppl. for July-Sept., pp. 168-169, S/9428 and Add. 1. The note contained an exchange of telegrams between the President of the International Federation of Air Line Pilots Associations (IFALPA) and the Secretary-General concerning the problem of hijacking and the Secretary-General's note concerning his meeting with the representatives of IFALPA.

¹² S C, 21st yr., 1308th mtg., Netherlands, para. 55, in connexion with the report of the Chief of Staff of the United Nations Truce Supervision Organization concerning the Palestine question. For the texts of relevant statements, see *ibid.*, President (United Kingdom), para. 109; Secretary-General, para. 110.

¹³ See this *Supplement* under Article 54.

¹⁴ For the texts of relevant statements, see S C, 22nd yr., 1365th mtg., President (Ethiopia), paras. 1-4, 9-12, 19-22, 32, 44 and 53; Bulgaria, paras. 33-39; Denmark, paras. 40-43; India, paras. 51 and 52; USSR, paras. 5-8, 13-18, 27-31 and 46-50; United States, paras. 23-26 and 45, in connexion with the situation in the Middle East. For references to rule 10 in this procedural discussion, see para. 19 below.

¹⁵ For the texts of relevant statements, see S C, 24th yr., 1466th mtg., President (Hungary), paras. 1-3, 6, 10-12, 19-20, 23 and 24; Algeria, paras. 8, 9 and 15; USSR, paras. 16-18; United States, paras. 4 and 5, 13, 21 and 22, in connexion with the situation in the Middle East.

¹⁶ See, for example, S C, 23rd yr., 1434th mtg., para. 18, S/8721 and S/8724; 1441st mtg., paras. 3, 4-6, S/8758; and 1448th mtg., paras. 1-10, S/8805 and S/8806.

convened on the same day on which requests for urgent meetings had been received, but no questions concerning the application of rule 8 were raised in such instances.

c. Adoption of the agenda

14. On two occasions during the period under review, the Security Council decided to adjourn its meeting without adopting the agenda.¹⁷ In the latter instance,¹⁸ after an objection had been raised to the adoption of the agenda, the Security Council decided, without objection, to hear the statement of the representative who had requested the Council meeting on the matter which had been brought to the attention of the Council under Article 35 of the Charter, before deciding to adjourn the meeting without adopting the agenda.

15. The practice of adopting the agenda without vote,¹⁹ unless objections were raised,²⁰ generally continued during the period under review. On occasion, objections were raised to a proposed agenda without any request for a vote on its adoption. In one such instance,²¹ the Council voted to adopt the agenda despite the statement of the member who had raised the objection that he did not insist on a vote. In another case,²² however, when a member raised an objection to the proposed agenda without requesting a vote on its adoption, the President declared, after a procedural discussion, that the agenda had been adopted without vote.

16. On three occasions²³ during the period under review, the Security Council adopted the proposed agenda with amendments by adding items which were related to the items on the proposed agenda.

17. On these and other occasions, the Council resorted to the procedure of inscribing on its agenda two or more sep-

arate items relating to the same general question. In a number of such instances,²⁴ the adoption of the agenda was accompanied by an understanding that representatives, in their statements, could refer to any part of the agenda as it stood. In one of these cases,²⁵ a representative objected specifically to the proposal to combine two proposed items because, in his view, one of the items lacked merit and should not be placed "on an equal footing" with the other. Occasionally, representatives voiced reservations²⁶ concerning the relevance of some of the items on the proposed agenda to the immediate discussion, but no formal objections were made to their inclusion and no items were deleted from the proposed agenda during the period under review. In one such instance,²⁷ a representative reserved the right to return to the matter later.

18. On other occasions, members, while not objecting to the adoption of the agenda, expressed reservations concerning the phrasing of items on the agenda,²⁸ and the postponement of consideration of an item.²⁹ In one instance,³⁰ in response to a reservation expressed by a member, the President assured him that there was no question whatsoever of acceptance of the wording of the agenda implying acceptance of any allegation contained in the communication inscribed therein. On another occasion,³¹ a member sought assurance that the members, in adopting the agenda, had not prejudged the merit of an item on the agenda.

d. Matters of which the Security Council is seized

19. Questions concerning the application of rule 10 were raised on two occasions³² during the period under review when reservations were voiced regarding the contents of the provisional agenda with respect to matters considered

¹⁷ See S C, 23rd yr., 1429th mtg., paras. 1 and 2, as a mark of sympathy to a statesman on whose life an attempt had been made that morning, and S C, 24th yr., 1503rd mtg., paras. 2-70, in connexion with the letter dated 17 August 1969 from the Permanent Representative of Ireland (situation in Northern Ireland), S/9394.

¹⁸ For the texts of relevant statements, see S C, 24th yr., 1503rd mtg.: President (Spain), paras. 1, 20-21, 69 and 70; Finland, paras. 15-17; Ireland, paras. 22-43; United Kingdom, paras. 2-14, 18 and 19, 48-66; USSR, paras. 44-47; Zambia, paras. 67 and 68.

¹⁹ This procedure extended to cases where the provisional agenda was modified by additions of items before its adoption. See para. 16 below.

²⁰ During the period under review, the Security Council voted and adopted the agenda, after objections had been raised to its adoption, at the 1388th meeting on 26 January 1968, in connexion with the complaint by the United States of America concerning the U.S.S. *Pueblo*.

²¹ For the texts of relevant statements, see S C, 23rd yr., 1441st mtg.: President (Brazil), paras. 15, 25 and 26, 112, 115, 119 and 121; USSR, paras. 19-24, 72-105, 113, 116, 120 and 197-245; United States, paras. 17, 27-46, 114, 117, 118 and 246-250, in connexion with the question concerning Czechoslovakia.

²² For the texts of relevant statements, see S C, 23rd yr., 1444th mtg.: President (Brazil), paras. 1, 14, 18, 29, 33 and 34; Hungary, paras. 31, 32 and 49; USSR, paras. 2-13, 17, 22-26 and 75-88; United States, paras. 19, 20, 27, 28 and 67-74, in connexion with the question concerning Czechoslovakia.

²³ See S C, 22nd yr., 1365th mtg., para. 53, in connexion with the situation in the Middle East; S C 24th yr., 1466th mtg., para. 23, in connexion with the same item; and S C, 24th yr., 1475th mtg., paras. 1-7, in connexion with the question concerning the situation in Southern Rhodesia. In each case, the agenda, as amended, was adopted without vote. See foot-note 19 above.

²⁴ See, for example, S C, 22nd yr., 1343rd mtg., paras. 7-10; S C, 23rd yr., 1460th mtg., paras. 8 and 9; S C, 24th yr., 1466th mtg., paras. 23 and 24; and S C, 24th yr., 1498th mtg., paras. 1-9, in connexion with the situation in the Middle East.

²⁵ S C, 24th yr., 1466th mtg., Algeria, paras. 8, 9, 15.

²⁶ For the texts of relevant statements, see, for example, S C, 22nd yr., 1365th mtg., Bulgaria, para. 36; USSR, paras. 8, 18; S C, 23rd yr., 1448th mtg., Algeria, para. 3; USSR, paras. 6, 7 and 9; S C, 23rd yr., 1460th mtg., USSR, paras. 3-6; S C, 24th yr., 1498th mtg., USSR, paras. 3-8; in connexion with the situation in the Middle East.

²⁷ S C, 23rd yr., 1460th mtg., USSR, para. 5. For the later statements of the USSR, see *ibid.*, paras. 34 and 35.

²⁸ See, for example, S C, 21st yr., 1305th mtg., paras. 10-15, 21-25, 36-38, 49-52, 57-58, 63-64, 68-70, 73-80, 90-91, 96-119 and 127, in connexion with the Palestine question; and S C, 24th yr., 1466th mtg., paras. 1-24, in connexion with the situation in the Middle East.

²⁹ See, for example, S C, 21st yr., 1304th mtg., paras. 124-154; and *ibid.*, 1305th mtg., paras. 2-9, 18-20, 27-30, 33-35, 40-48, 54-56, 60-62, 65-66, 71-72, 88-89, 93-95, 107-115 and 121-126, in connexion with the question concerning the Democratic Republic of the Congo.

³⁰ S C, 21st yr., 1305th mtg., President (United Kingdom), para. 119, in connexion with the Palestine question.

³¹ S C, 23rd yr., 1460th mtg.: Canada, para. 7, in connexion with the situation in the Middle East.

³² For the texts of relevant statements made in the first occasion, see S C, 22nd yr., 1365th mtg., President (Ethiopia), paras. 10 and 21; Bulgaria, paras. 35-39; Denmark, paras. 41-43; USSR, paras. 5-8 and 14-18; United States, para. 23. For the adoption of the proposed agenda, as amended, see *ibid.*, para. 53. For statements made in the second occasion, see S C, 23rd yr., 1448th mtg., President (Canada), para. 8; Algeria, para. 3; USSR, paras. 6, 7 and 9. For the adoption of the provisional agenda, see *ibid.*, para. 10. Both cases dealt with the situation in the Middle East.

at previous meetings. In one of these cases³³ it was argued that many questions considered by the Council had a long history, but that was no reason to inscribe on the agenda items on which several Council meetings had already been held. It was maintained that although the Council had been convened to consider a specific matter as a new item, the provisional agenda did not contain any reference to the communication that had led to the convening of the meeting. On the other hand, it was maintained that the provisional agenda had been drawn up in accordance with rule 10 as well as with past practice of the Council. The proposed agenda was adopted after having been amended by the inclusion of additional communications. In the other case exceptions were raised to the inclusion in the agenda of a communication that did not relate to the matter that had led to the request for the meeting. The provisional agenda was nevertheless adopted without change.

20. The Secretary-General, pursuant to rule 11 of the provisional rules of procedure, continued the practice of circulating each week to the 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, or a statement by the President indicating that the item had been disposed of.³⁴ On occasion, at the conclusion of a debate, the President made an explicit statement that the Council would remain seized of a particular item.³⁵

2. REPRESENTATION AND CREDENTIALS (RULES 13-17)

21. A question concerning the application of the rules of procedure governing representation and credentials was raised on one occasion³⁶ during the period under review, when a representative maintained that, whereas the approval by the Security Council of the Secretary-General's reports on the credentials of Council members under rule 15 had been, in general, by tacit approval, nevertheless the Council, under rule 17, should give an explicit approval of such reports in the presence of an observation or objection. Following an exchange of views, the President announced that he would request the Secretary-General to provide some information on the recent practice of the Council in this matter. Following the submission of the Secretary-General's report,³⁷ there was no further discussion of the matter in the Council.

³³ See also para. 11 above.

³⁴ On one occasion during the period under review, Czechoslovakia, by a letter dated 27 August 1968 (S C, 23rd yr., Suppl. for July-Sept., p. 152, S/8785), requested that the item concerning the letter dated 21 August 1968 (S/8758) from the representatives of Canada, Denmark, France, Paraguay, the United Kingdom and the United States (question concerning Czechoslovakia) be removed from the Council's agenda. No action was taken regarding this request.

³⁵ S C, 22nd yr., 1383rd mtg., para. 155, in connexion with the Cyprus question; S C, 23rd yr., 1412th mtg., para. 122, in connexion with the situation in the Middle East; S C, 23rd yr., 1445th mtg., para. 205, in connexion with the question concerning Czechoslovakia; S C, 24th yr., 1491st mtg., para. 38, in connexion with the complaint by Zambia.

³⁶ For the texts of relevant statements, see S C, 23rd yr., 1387th mtg.: President (Pakistan), Algeria, France, USSR, in connexion with the question of South West Africa.

³⁷ S C, 23rd yr., Suppl. for Jan.-March, p. 143, S/8365. In his report, the Secretary-General noted that, up to 1948, the Security Council had followed the practice of including in the provisional agenda the report of the Secretary-General regarding his examination of the credentials of rep-

3. THE PRESIDENCY (RULES 18-20)

22. During the period under review, no questions arose concerning the application of rule 18.

23. The procedure of authorizing the President, explicitly or implicitly, to express the wish or consensus of the Council continued to be resorted to on many occasions during the period under review. Included were those cases where the President, after informal consultations with the members of the Council, submitted a draft resolution³⁸ embodying the result of these consultations, those instances when the President, also after consultation, made a statement expressing the consensus of the members of the Council,³⁹ and one instance when the President suggested the procedure that the Council might adopt in its consideration of an item.⁴⁰ No objections were raised in these instances to the formulation used by the President in expressing the wish or consensus of the Council.⁴¹ The matter of the Council's authorization of the President to undertake

representatives on the Council and, after the adoption of the agenda, of approving the credentials, if there had been no objection. Since 1948, the reports of the Secretary-General on credentials had not appeared on the provisional agenda but had been circulated to all delegations on the Council and, in the absence of any request that they be considered by the Council, had been considered approved without objection. There had been very few instances where questions had been raised concerning credentials. On several occasions, starting in January 1950, questions had been raised in the Council in connexion with the representation of China, but these would appear to have concerned the question not of reports on credentials but of the proper authority to submit such credentials. The clearest case involving the credentials of a member of the Security Council was in connexion with the representation of Iraq at the 827th and 834th meetings of the Council on 15 and 18 July 1958. In that instance, the President interpreted rule 17 as indicating that the representative of Iraq, who had been occupying the seat of Iraq, should continue to sit in that seat with the same rights as other representatives until the Council arrived at another conclusion. Following the submission of a further report on the credentials of the representative of Iraq by the Secretary-General on 6 August 1958 (S/4080) and the receipt of a letter from the previous representative dated 5 August 1958 (S/4081), a new representative of Iraq was seated at the 838th meeting of the Council on 7 August 1958. The Secretary-General concluded his report by noting that there had been no objection to his reports on the credentials of any of the fifteen members of the Council and therefore they would appear to have been approved in the usual manner.

³⁸ S C, 22nd yr., 1348th mtg., para. 4; 1352nd mtg., para. 39, 1371st mtg., para. 2; S C, 23rd yr., 1420th mtg., para. 4; 1440th mtg., paras. 2 and 3; 1452nd mtg., para. 5; 1462nd mtg., paras. 3-5; S C, 24th yr., 1504th mtg., paras. 2 and 3, in connexion with the situation in the Middle East; S C, 22nd yr., 1386th mtg., para. 2; S C, 23rd yr., 1459th mtg., paras. 7 and 8; S C, 24th yr., 1474th mtg., paras. 10 and 11; 1521st mtg., paras. 2-4, in connexion with the Cyprus question; S C, 24th yr., 1514th mtg., paras. 9 and 10, in connexion with the item "The International Court of Justice: Participation of States parties to the Statute of the International Court of Justice but not Members of the United Nations in amendments to the Statute".

³⁹ S C, 21st yr., 1329th mtg., (Official communiqué), pp. 1-2, in connexion with the recommendation regarding the appointment of the Secretary-General; S C, 22nd yr., 1353rd mtg., paras. 232, 242; 1366th mtg., paras. 125-127; S C, 23rd yr., 1412th mtg., para. 122; 1440th mtg., paras. 2-4; 1448th mtg., paras. 73 and 74, in connexion with the situation in the Middle East; S C, 22nd yr., 1383rd mtg., paras. 151-152; S C, 24th yr., 1474th mtg., paras. 9-11, in connexion with the Cyprus question; *ibid.*, 1477th mtg., paras. 4 and 5, in connexion with the question concerning the situation in Southern Rhodesia; *ibid.*, 1506th mtg., para. 61, in connexion with the question of "micro-States".

⁴⁰ S C, 22nd yr., 1347th mtg., para. 28, in connexion with the situation in the Middle East.

⁴¹ In one instance, following the President's statement expressing the consensus, a representative proposed a modification of the formulation and the President rephrased his statement as suggested. For the texts of relevant statements, see S C, 22nd yr., 1353rd mtg., President (Den-

these actions in its behalf, which is generally implicit, was explicitly referred to in a number of these instances.⁴²

24. Rule 20 was invoked on one occasion⁴³ during the period under review. At the 1428th meeting of the Council on 29 May 1968, in connexion with the question concerning the situation in Southern Rhodesia, the President (United Kingdom) announced that he had considered the possible application of rule 20 to the case at hand. After quoting the rule and noting that the provision of the rule placed the matter entirely within the discretion of the President, he announced that, acting within that discretion, he had decided not to preside over the Council during the discussion of the item. The representative who then assumed the Chair pursuant to rule 20, speaking as President, confirmed the view that under the rule the President had in his sole discretion the question of when to apply that rule by yielding his place as President. He noted that, at the conclusion of the consideration of the item before the Council, the Chair and the responsibility which he temporarily assumed would revert to the President of the Council for the current month.

4. CONDUCT OF BUSINESS (RULES 27-36)

a. Order of speaking

25. Questions concerning the application of rule 27 were raised on two occasions during the period under review. In the first case,⁴⁴ in response to a request by a representative that the President address a question to another representative, the President stated that he could not demand any statement from any representative unless the Council had so authorized him; the only rule whereby the President could call on a representative was rule 27, although there were precedents for the President addressing queries to the Secretary-General, who was not a representative. After a member next on the list of speakers stated, while concurring in the President's views, that he would be prepared to yield his place to the representative to whom the question had been addressed, the President replied that it would still not be possible for him to call next on the representative concerned since several other speakers were inscribed on the list ahead of that representative. The Council proceeded with the meeting without pursuing this matter further.

26. Another question concerning the order of intervention in a debate arose when a member questioned the list of speakers which included one of the directly interested parties as the first speaker, followed by a number of Coun-

cil members and then by the other party. The member, citing past instances, moved that the Council invite to hear the two parties, neither one of which was a member of the Council, prior to the members of the Council. In the course of the procedural discussion that followed, rule 27 was cited in opposing the motion while the member who made the motion maintained that the term "representative" in rule 27 referred, as in rules 30, 31 and 32, only to members of the Council. Other terms were used, he argued, to refer to a Member of the United Nations which was not a member of the Council, as provided for in rules 37 and 38. One member pointed out that on previous occasions a representative, whether a member or a non-member of the Council, who wished to speak before his turn in the order of the list of speakers, would seek the consent of the other speakers concerned. He then suggested a brief suspension of the meeting to enable the Council to follow this procedure. With the approval of the Council, the President thereupon suspended the meeting. When the meeting was resumed, the President reported that no agreement among the parties could be reached and the Council proceeded to vote on the motion for the granting of priority, which was not adopted.⁴⁵

**b. Establishment of subsidiary bodies⁴⁶

c. Presidential rulings

(i) Raising of points of order

27. The question whether the President was obliged to make a ruling on a point of order was raised on a number of occasions during the period under review. In one instance,⁴⁷ a representative, speaking on a point of order, raised the question whether the person whom the Council decided to invite to make a statement under rule 39⁴⁸ of the rules of procedure was being invited in his capacity as the elected mayor of the city whose status was the subject of consideration in the Council. This, he maintained, would be in accordance with that rule. In the course of the procedural discussion that followed, the President observed that, under the rules, he was required to give a ruling when a point of order was raised; his ruling was that he proposed to call on the person in question to address the Council under rule 39. Subsequently, in response to other representatives who, also speaking on a point of order, concurred with the point raised by the first representative, the President reiterated that it was necessary for him to repeat the

mark), paras. 232, 242; USSR, para. 233, in connexion with the situation in the Middle East.

⁴² See, in foot-note 39 above, S C, 22nd yr., 1353rd, 1366th and 1383rd meetings; S C, 23rd yr., 1440th and 1448th meetings; S C, 24th yr., 1506th meeting.

⁴³ For the texts of relevant statements, see S C, 23rd yr., 1428th mtg., President (United Kingdom), President (later, United States).

⁴⁴ For the texts of relevant statements, see S C, 22nd yr., 1355th mtg., President (Denmark), paras. 21, 22, 27, 28, 32, 33, 38, 43, 48, 57; Bulgaria, paras. 18, 19, 35-37; Mali, paras. 25, 26, 29-31, 39-42; United Kingdom, paras. 45-47; USSR, paras. 51-56, in connexion with the situation in the Middle East. On other occasions, however, when similar queries were addressed by one representative to another, the President inquired whether the latter wished to reply. On one such occasion, the representative to whom the question had been addressed made a statement

(S C, 24th yr., 1516th mtg., paras. 94-98, in connexion with complaints by Senegal); on another occasion, the representative concerned responded that he wished to make a statement at a later stage (S C, 24th yr., 1517th mtg., paras. 5-7, in connexion with the same item).

⁴⁵ For the texts of relevant statements, see S C, 22nd yr., 1373rd mtg., President (Mali), paras. 6, 31; Bulgaria, para. 40; Nigeria, paras. 24-28; USSR, paras. 12-14; United States, paras. 7-10, 18-21, in connexion with the situation in the Middle East.

⁴⁶ Rule 28 was explicitly mentioned by the Security Council in its resolution 253 (1968). See in this *Supplement*, under Article 29, para. 7.

⁴⁷ For text of relevant statements, see S C, 23rd yr., 1421st mtg.; President (United Kingdom), paras. 3, 6, 10, 14, 15, 19, 22-24 and 35-38; Algeria, paras. 5, 9, 11, 25-27 and 29-32; Canada, para. 34; Hungary, paras. 20, 21 and 33; Pakistan, paras. 16-18; USSR, para. 13, in connexion with the situation in the Middle East.

⁴⁸ For the treatment of references to rule 39 in this discussion, see paras. 38 and 39 below.

ruling and, restating his ruling in essence, proposed to proceed accordingly unless his ruling was challenged. As his ruling was not challenged the Council proceeded with the meeting.

28. In another instance,⁴⁹ a representative, speaking on a point of order, objected to the statement of the representative who was speaking in exercise of his right of reply on the grounds that that statement was an inadmissible attempt to divert the Council's attention from the subject on its agenda. In reply the President stated that he would appeal to the representative concerned, as he would to all members of the Council, to ensure that his statement be specifically directed to the subject on the agenda. Three times thereafter, the President interrupted the representative who continued his statement in exercise of his right of reply, and reiterated that he must give a ruling on the point of order which had been raised and would accordingly ask the representative to confine his comments to the subject on the agenda before the Council. Subsequently, after the representative who had raised the original point of order restated his point, the President observed that, when a question was raised on a point of order of the relevance of a statement to the question before the Council, it was necessary for him to give a ruling, which he had done and, restating his ruling, asked the representative who was speaking in exercise of his right of reply to continue his statement.

29. On another occasion,⁵⁰ when a point of order was raised challenging the relevance to the item on the agenda of a statement being made in exercise of the right of reply, the President appealed to the representative who was making the statement to confine his remarks, to the extent possible, to the point under consideration, without prejudice to his right of reply. After the same point of order had been raised for the third time, the President stated that he did not wish either to curtail discussion or to permit unduly extended remarks on subjects not under consideration. He found it difficult to give a ruling on the matter and appealed for the co-operation of all members and representatives so that an understanding might be reached on the remarks to be made before the Council. He then reiterated his appeal to the representative who was speaking in exercise of his right of reply to confine his remarks to the item under consideration and asked him to proceed with his statement.

**** (ii) Challenge to a presidential ruling**

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

e. Sponsors and movers of draft resolutions

30. The question of the application of rule 32, whereby parts of a motion or of a draft resolution may be voted on separately unless the original mover objects, was raised on

three occasions during the period under review. In the first instance,⁵¹ the President, after a request had been made that a separate vote be taken on each of the operative paragraphs of a draft resolution, first put to the vote operative paragraph 1, which was not adopted. The President then apologized to the sponsor of the draft resolution that, contrary to the rules of procedure, he had forgotten to ask the representative whether or not he would accept the request for a division of the vote. The representative acknowledged the President's apology and stated that he had no objections to the proposed division, whereupon another representative observed that the President had conducted himself with complete fidelity to the rules of procedure. The President then repeated his apology to the sponsor of the draft resolution and the voting continued. On the two other occasions,⁵² the sponsors of a draft resolution objected to the request for a division of the vote, and the draft resolution was voted on as a whole.

f. Order of precedence of motions under rule 33

31. On a number of occasions during the period under review, questions arose as to whether a given motion was one for suspension, simple adjournment or adjournment to a certain day or hour under paragraphs 1, 2 and 3, respectively, of rule 33. Once the nature of a given motion had been established, it was generally maintained that the above-mentioned motions had precedence in that order as well as over other motions and that a motion for adjournment to a certain day or hour was subject to debate while a motion for suspension or simple adjournment was not. Thus, on one occasion,⁵³ a motion for a "short recess" of twenty minutes to study the text of a draft resolution was interpreted by the President as a motion under rule 33, paragraph 3, to adjourn the meeting to a certain day or hour. After the President had proceeded to call upon one representative, who made a statement concerning the position of his delegation on the substantive question, and upon another, who spoke in support of the procedural motion, a third representative questioned why, after referring to rule

⁵¹ For the texts of relevant statements, see S C, 22nd yr., 1360th mtg.: President (Denmark), paras. 193 and 196; USSR, paras. 194 and 197; United States, para. 195, in connexion with the situation in the Middle East.

⁵² S C, 21st yr., 1317th mtg., para. 11; 1319th mtg., paras. 10, 43, 50 and 52-55, in connexion with the Palestine question; S C, 24th yr., 1481st mtg., para. 57, in connexion with the question concerning the situation in Southern Rhodesia.

⁵³ For the texts of relevant statements, see S C, 22nd yr., 1349th mtg.: President (Denmark), paras. 24, 25, 42 and 43; Brazil, paras. 22 and 23; France, paras. 35 and 36, USSR, paras. 38-41; United States, paras. 26-33, in connexion with the situation in the Middle East. On an earlier occasion, in response to a request for a short recess for purposes of immediate consultations and in the absence of any objection, the President declared the meeting suspended. This request was made after the President, taking note of a suggestion made earlier by one of the sponsors of a draft resolution, had suggested that the Council adjourn the meeting in order to facilitate informal consultations on the draft resolution. When the meeting was resumed after the suspension, the representative who had requested the suspension referred to the suggestion of the President and expressed the hope that the procedure proposed by the President would be acceptable to the Council members. After a further exchange of views, the President declared the meeting adjourned until further notice (S C, 22nd yr., 1342nd mtg., paras. 80-101, in connexion with the situation in the Middle East). On another occasion, a motion to adjourn the meeting until 4:00 p.m. the following day was interpreted by the President as a motion under rule 33, paragraph 3 (S C, 24th yr., 1484th mtg., paras. 257-259, in connexion with the situation in the Middle East).

⁴⁹ For the texts of relevant statements, see S C, 23rd yr., 1422nd mtg.: President (United Kingdom), paras. 63, 65, 68, 71, 73 and 78, Israel, paras. 66, 69, 70, 72, 74 and 79; USSR, paras. 64, 76 and 77, in connexion with the situation in the Middle East.

⁵⁰ For the texts of relevant statements, see S C, 23rd yr., 1439th mtg.: President (Brazil), paras. 64, 68, 70 and 76, Israel, paras. 66, 78 and 79, USSR, paras. 63, 69 and 75, in connexion with the situation in the Middle East.

33 of the rules of procedure, the President had opened the debate. He added that, despite his earlier request for an immediate vote on the draft resolution which his delegation had submitted, he would agree to a brief suspension. The President reiterated his ruling that the motion was under rule 33, paragraph 3, and therefore subject to debate. The President then adjourned the meeting, in the absence of objection, for fifteen minutes.

32. On another occasion,⁵⁴ a representative suggested that it might be advisable to adjourn the meeting in order to study a draft resolution before the Council; and to hear reports on the new developments in the situation at hand. Later in the meeting, the sponsor of the draft resolution stated that he had understood the above-mentioned suggestion to be one for suspension of the meeting, and he himself moved for a suspension, under rule 33, paragraph 1, for ten or fifteen minutes in order that consultations on the draft resolution might take place. The representative who had made the earlier suggestion thereupon observed that his proposal had been for adjournment and appealed to the sponsor of the draft to agree to his proposal. The President then observed that he had not considered the original suggestion by the first representative to be a formal motion for adjournment and, noting that a formal motion for suspension had been made by the second representative, inquired whether he would accede to the appeal by the former for an adjournment. The second representative noted in his reply that the rules of procedure gave priority to a motion for suspension of the meeting, for which he had moved, and added that, if it was more convenient to the first representative to have an adjournment for half an hour instead of fifteen minutes, that would be agreeable to him. He did not believe that a suspension was made *sine die*, or simply to later in the evening; it was usually for a specific time, in his view, and he believed it would be within the rules to adjourn for a specific time, say half an hour. During further exchanges of views, the President announced that there was a motion to adjourn the meeting for half an hour, under rule 33, paragraph 3, since he understood the second representative to have agreed to change his motion for suspension to one for adjournment. After the representative in question stated that he had not agreed to such a change of his motion, the President observed that, in that case, the Council had before it a motion to suspend the meeting, under rule 33, paragraph 1, which had to be put to a vote without debate. Before the motion was put to the vote, however, the representative who had moved for suspension agreed, in response to an appeal by another representative, to change his motion to one for adjournment. The motion was put to a vote without debate by the President, who observed that it came under rule 33, paragraph 2; the motion was adopted unanimously.

33. In another instance,⁵⁵ in the course of a discussion on whether or not the Council should, before adjourning, set the time of convening the next meeting, a motion was made to adjourn the meeting until 5:00 p.m. that after-

⁵⁴ For the texts of relevant statements, see S C, 22nd yr., 1350th mtg.: President (Denmark), paras. 86, 89, 90, 92, 95, 97, 100, 103 and 105; Bulgaria, paras. 68, 87, 88, 93 and 94; Canada, paras. 85, 91, 96 and 104; Ethiopia, paras. 99 and 102, in connexion with the situation in the Middle East.

⁵⁵ For the texts of relevant statements, see S C, 23rd yr., 1442nd mtg.: President (Brazil), paras. 127 and 138-140; United Kingdom, paras. 124-126; USSR, paras. 133-137, in connexion with the question concerning Czechoslovakia.

noon, with the understanding that, if consultations made it desirable, the meeting could then be postponed at that time. The President thereupon observed that, according to rule 33, any motion for the suspension or for a simple adjournment of the meeting should be decided without debate; and announced his intention to put the motion immediately to the vote. After a statement had been made by a representative, who said he had asked to be recognized on a point of order before the President put the motion to the Council, the President reiterated that according to rule 33, when a motion was made for the suspension or temporary adjournment of a meeting, it should be decided upon without debate, and proposed that the Council come to a decision. The motion was adopted by 10 votes to none, with 5 abstentions and the meeting was adjourned.

34. In another case,⁵⁶ after a representative had moved under rule 33 that the Council adjourn the meeting for a brief period of some forty-five minutes for purposes of consultation, the President, drawing the attention of the representative to the fact that a motion for suspension had to be decided without debate, inquired if he had any objection to hearing another representative who had indicated his desire to exercise the right of reply before the motion was put to the Council. The representative who had made the motion replied that, although he did not wish to deny the representative in question his right of reply, continuation of the discussion on the matter at hand without further reports on the situation would serve no purpose. This was interpreted by the President to mean that the representative had in fact moved the suspension of the meeting under rule 33. Under that rule, the President observed, he was required to recognize that a motion for suspension should be decided without debate. At that point, another representative asked to be recognized on a point of order. After ascertaining that the point to be raised was not related to the motion, the President stated that, since he had not recognized another representative on a point which did not relate to the motion, namely the exercise of the right of reply, he could not recognize the representative before reaching a decision on the motion. Reiterating that rule 33 required that a motion for suspension be decided without debate, the President proposed to suspend the meeting for half an hour. As there was no objection, the meeting was suspended.

35. The question whether a motion for suspension may be entertained while a vote was in progress was raised on one occasion⁵⁷ during the period under review. After the Council had concluded the vote on a number of amendments to a draft resolution and before it had proceeded to vote on the amended draft resolution as a whole, a representative, speaking on a point of order, moved for a suspension of the meeting under rule 33 for ten minutes. Another representative, also speaking on a point of order, observed that it had been the practice of the Council that, once voting had started, it would continue without interruption, and expressed the hope that the Council would be

⁵⁶ For the texts of relevant statements, see S C, 23rd yr., 1448th mtg.: President (Canada), paras. 66, 70 and 72; USSR, paras. 67 and 69; United States, para. 63, in connexion with the situation in the Middle East.

⁵⁷ For the texts of relevant statements, see S C, 21st yr., 1340th mtg.: President (Uruguay), paras. 104, 105 and 109; Nigeria, para. 103; Uganda, paras. 99 and 106; United Kingdom, paras. 101 and 108, in connexion with the question concerning the situation in Southern Rhodesia.

able to follow the standard practice. Following a statement by a third representative drawing attention to the last sentence of rule 33, which provided that any motion for the suspension or simple adjournment of the meeting should be decided without debate, the President stated that there was in fact one rule which conflicted with rule 33, namely rule 40 which provided that voting in the Security Council should be in accordance with the relevant Articles of the Charter and of the Statute of the International Court of Justice. Since the Council was in the midst of a vote, it should abide by the provisions of rule 40. He added that there was no text which dealt expressly with that point and that, if there was no formal objection, he would proceed with the voting. Questioning the relevance of rule 40 to the issue under consideration, the representative who had moved for the suspension reiterated his motion. After the second representative had stated that, in view of the wish of the first representative and without prejudice to the normal practices of the Council, he withdrew his objection to the motion for suspension, the President declared that, in the light of the above statement, he saw no objection to a brief suspension of the meeting, and suspended it for ten minutes.

***g. Withdrawal of motions or draft resolutions*

C. Application of rule 39

36. The question of the application of rule 39 was raised on two occasions⁵⁸ during the period under review. In the first instance, the Council decided, in the light of two precedents, to grant a request for participation in the proceedings of the Council made on behalf of a constitutionally recognized minority, while, in the second case, questions arose as to the capacity in which the person to whom the Council had decided to extend an invitation was being invited to speak.

1. DECISION OF 20 DECEMBER 1967 IN CONNEXION WITH THE CYPRUS QUESTION

37. At the 1385th meeting on 20 December 1967, in connexion with the Cyprus question, the President (Nigeria) drew the attention of the Council to a communication⁵⁹ from the representative of Turkey containing a request from the Vice-President of Cyprus, Mr. Fazıl Küçük, that Mr. Osman Örek be allowed to address the Council on behalf of the Turkish Cypriot community. Recalling that on two previous occasions when the representative of Turkey had transmitted a similar request from the Vice-President of Cyprus the Council had decided to grant a hearing to the person concerned under rule 39 of the provisional rules of procedure, the President stated that, after consulting the members of the Council, it was his understanding that, in view of the past precedents, the Council was agreeable to

⁵⁸ On another occasion, in the course of a discussion regarding a request for participation, which was not granted, from an entity whose international status was in dispute among the members of the Council, a number of Articles of the Charter and rules of procedure were cited, including Articles 31 and 32 and rules 6, 14 and 37; no reference was however made to rule 39 (S C, 23rd yr., 1445th mtg., paras. 13-205, in connexion with the question concerning Czechoslovakia).

⁵⁹ S C, 22nd yr., Suppl. for Oct.-Dec., p. 318, S/8293.

hearing Mr. Örek on the same basis as before, namely, under rule 39 of the provisional rules of procedure.⁶⁰

Decision

In the absence of objection, the Council decided, without vote, to invite Mr. Örek to speak under rule 39.⁶¹

2. DECISION OF 3 MAY 1968 IN CONNEXION WITH THE SITUATION IN THE MIDDLE EAST

38. At the 1420th meeting on 2 May 1968, in connexion with the situation in the Middle East, the representative of Jordan observed that, in the forthcoming discussion of the situation in Jerusalem, the Council should have the benefit of information from a competent source, and requested in that regard that an invitation be issued, in accordance with rule 39 of the provisional rules of procedure, to Mr. Rouhi El-Khatib, elected mayor of Jerusalem. He recalled that he had previously submitted a letter⁶² to that effect.

39. At the 1421st meeting on 3 May 1968, the President (United Kingdom), drawing the Council's attention to the above-mentioned statement and to the letter of the Jordanian representative, stated that as a result of consultations with the members of the Council he had found that there was agreement that Mr. El-Khatib should be heard in accordance with rule 39; he therefore proposed, if there were no objections, to invite Mr. El-Khatib to the Council table. Speaking on a point of order, the representative of Algeria inquired whether Mr. El-Khatib was being invited under rule 39 in his capacity as the elected mayor of Jerusalem; that would be in accordance with rule 39 which provided that the Council could invite persons whom it considered competent. The President, after stating that he did not think it necessary or desirable for the Council to pronounce on that question, observed that the agreement he had secured after consultations with all members of the Council was to invite Mr. El-Khatib under rule 39, namely, as a person whom the Council considered competent for the purpose, to supply it with information or to give other assistance in examining matters within its competence. That rule, he felt, was clear, since it referred to invitations to members of the Secretariat or other persons. In the course of the exchange which ensued, the representative of Algeria reiterated his views, in which a number of other representatives concurred, and stressed the relevance of the capacity of Mr. El-Khatib as the elected mayor of Jerusalem, particularly in view of the fact that rule 39 referred to the competence of the person to be invited and in the light of pertinent General Assembly resolutions⁶³ which provided that there should be no change in the status of Jerusalem. In response to each representative, the President reiterated his original ruling that he proposed, unless there was objection, to invite Mr. El-Khatib to address the Council under rule 39. Observing that the Council was dealing solely with a question of procedure and that it was neither necessary nor desirable to reach conclusions on matters of substance, he added that it would be in the best interests of the Council to proceed without delay to hear Mr. El-Khatib,

⁶⁰ S C, 22nd yr., 1385th mtg.: President (Nigeria), paras. 4-6.

⁶¹ S C, 22nd yr., 1385th mtg., para. 7.

⁶² S C, 23rd yr., Suppl. for April-June, p. 147, S/8570.

⁶³ G A resolutions 2253 (ES-V) of 4 July 1967 and 2254 (ES-V) of 14 July 1967.

who would no doubt explain the reasons for his coming and his competence to give the Council the information it required. Each member of the Council would have his own views on the matters the invited speaker would raise, on the explanations which he would give and on the justification for his coming. The President proposed once again that the Council should proceed on that basis.⁶⁴

⁶⁴ For the texts of relevant statements, see S C, 23rd yr., 1421st mtg.:

Decision

In the absence of objection, Mr. El-Khatib was invited to the Council table.⁶⁵

President (United Kingdom), paras. 2, 3, 6, 10, 14, 15, 19, 22-24 and 35-39; Algeria, paras. 5, 9, 11, 25-27 and 29-32; Canada, para. 34; Hungary, paras. 20, 21 and 33; Pakistan, paras. 16-18; USSR, para. 13, in connexion with the situation in the Middle East.

⁶⁵ *Ibid.*, para. 38.