

## 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. During the period under review the Security Council adopted amendments to its provisional rules of procedure on one occasion.<sup>1</sup>
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. However, on several occasions, when confronted by special circumstances, the Council followed new procedures which could be said to throw added light on the scope and meaning of some of its rules. This study covers a number of such practices which may be regarded as representing discernible tendencies. These include 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 entities whose international status remained unsettled. 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*, analyses of other Articles of the Charter include material relating to relevant rules of procedure of the Security Council. For example, Article 27 deals with rule 40 on voting; Article 28 deals with rules 4 and 5 concerning meetings; Article 29 deals with rule 28 on subsidiary organs; and Articles 31 and 32 deal with rules 37 and 38 concerning participation in the Council's discussions.

<sup>1</sup>The text of the provisional rules of procedure, current between 1 January 1970 and 17 January 1974 was contained in United Nations Publication, Sales No. E.69.1.9. Following the adoption of SC resolution 345 (1974), on 17 January 1974, revised provisional rules of procedure were issued as United Nations Publication, Sales No.: E.74.1.5.

### SUMMARY OF PRACTICE

#### 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

4. In the one instance in which the provisional rules of procedure were amended during the period under review, the initiative came from the General Assembly. By its resolution 3189 (XXVIII) of 18 December 1973, the Assembly not only included Chinese among the working languages of the General Assembly, but also considered it desirable to include Chinese among the working languages of the Security Council and requested the Secretary-General to transmit that resolution to the President of the Council. Subsequently the representative of China, in a letter<sup>2</sup> dated 11 January 1974,

requested a meeting of the Council to consider the measures to be taken in the light of the above-mentioned Assembly resolution.

5. At the 1761st meeting, on 17 January 1974, the Security Council included in its agenda the question of the working languages of the Security Council. Revised texts of rules 41 to 47 and 49 and the deletion of rule 43 of the provisional rules of procedure were proposed in a draft resolution<sup>3</sup> that emerged as a result of prior consultations among Council members. At the same meeting, the draft resolution was adopted without a vote as resolution 345 (1974).<sup>4</sup>

#### B. Essential features of the provisional rules of procedure

##### 1. AGENDA (RULES 6-12)

##### a. *Circulation of communications*

6. The flexible interpretation of rule 6 of the provisional rules of procedure of the Security Council con-

<sup>2</sup>S C (29), Suppl. for Jan.-March, 1974, S/11190.

<sup>3</sup>S C (29), Suppl. for Jan.-March, 1974, S/11192, adopted without change as S C resolution 345 (1974).

<sup>4</sup>See footnote 1 above.

tinued during the period under review, permitting the circulation, as official Security Council documents, of communications from States relating both to matters of which the Security Council was seized and to other matters without the Council being requested to consider these matters.<sup>5</sup>

7. Communications from entities whose international status was in dispute among the members of the Security Council occasionally raised doubts 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. One procedure employed in such cases was to circulate the document officially as an enclosure to a letter or *note verbale* from a member of the Security Council which formally requested its circulation.<sup>6</sup> On five occasions, communications from such an entity were issued as official documents<sup>7</sup> bearing a footnote that they were being circulated at the direction of the President of the Security Council.

8. On two occasions communications from sources other than those described in rule 6 addressed to the Secretary-General were issued under cover of a note by the Secretary-General.<sup>8</sup>

9. Communications from regional agencies, received pursuant to Article 54<sup>9</sup> of the Charter, were also regularly circulated as official Security Council documents.

#### b. *The provisional agenda*

10. There was one instance<sup>10</sup> during the period under review when rule 7 was invoked and an objection raised in connexion with a communication<sup>11</sup> requesting the convening of a meeting of the Council at a specific date and time. Following a brief procedural discussion, it was agreed that the Council would meet on the issue as requested, at a time to be fixed by the President following consultations.

11. On a number of occasions<sup>12</sup> Council meetings were convened on the same day on which requests for urgent meetings were received, but no questions concerning the application of rule 8 were raised in these instances.

#### c. *Adoption of the agenda*

12. Matters having a bearing on rule 9 were raised on several occasions during the period under review. In one

<sup>5</sup> Communications relating to matters discussed by the Council as well as those relating to questions concerning the maintenance of international peace and security usually contained a specific request for their circulation as official Security Council documents and were circulated as such (S/- series documents).

<sup>6</sup> See, for example: S C (26), Suppl. for Oct.-Dec., 1971, p. 89, S/10415; S C (30), Suppl. for April-June, 1975, p. 41, S/11706; S C (31), Suppl. for Jan.-March, 1976, p. 134, S/12029.

<sup>7</sup> S C (25), Suppl. for July-Sept., 1970, pp. 130-131, S/9909; S C (27), Suppl. for Jan.-March, 1972, p. 63, S/10563; *ibid.*, p. 72, S/10577; *ibid.*, p. 80, S/10603; Suppl. for April-June, 1972, p. 139, S/10718.

<sup>8</sup> S C (29), Suppl. for July-Sept., 1974, p. 30, S/11349, *ibid.*, p. 104, S/11447.

<sup>9</sup> See this *Supplement*, under Article 54.

<sup>10</sup> For texts of relevant statements, see: S C (26), 1601st mtg.: President (Poland), para. 80; Argentina, paras. 88-90, 109 and 110; Belgium, para. 105; Burundi, paras. 96-100; France, paras. 74-77; Italy, paras. 101 and 102; Japan, para. 103; Somalia, para. 104; United Kingdom, paras. 66-70, 86; United States, para. 82; USSR, para. 72.

<sup>11</sup> S C (26), Suppl. for Oct.-Dec., 1971, p. 40, S/10396.

<sup>12</sup> See, for example: S C (27), 1648th mtg. (S/10716); S C (29), 1786th mtg. (S/11389); S C (30), 1781st mtg. (S/11348); S C (31), 1929th mtg. (S/12100); S C (33), 2071st mtg. (S/12607).

instance, prior to the adoption of the agenda,<sup>13</sup> a proposal was made that the Security Council send a mission to a State which had applied for membership in order to investigate the situation prevailing there and to report to the Council. The President stated that, since the proposal could be taken into account only after the agenda had been adopted, the Council had first to pronounce itself on the question of adoption of the agenda. On another occasion,<sup>14</sup> statements were made, prior to the adoption of the agenda, in connexion with the International Day for the Elimination of Racial Discrimination. The President, speaking as the representative of his country, also made a statement on the subject. When an objection was raised that the proceedings so far had been carried out without the Council having adopted the agenda, the President stated that the Council had not yet taken up the question of the adoption of the agenda but was only in the process of paying a tribute to the International Day.

13. The practice of adopting the agenda without a vote,<sup>15</sup> unless objections were raised or a proposal made that the matter be put to the vote, was generally continued during the period under review. In one instance,<sup>16</sup> when objections were raised to the inclusion as item 3 of the provisional agenda of a letter from Israel, the President put to the vote the question of deletion of that item from the provisional agenda. The proposal for deletion having failed of adoption, the Council agreed to continue its discussion of item 2 of the agenda, consisting of communications from Syria and Lebanon, and to schedule a later meeting to consider item 3. On another occasion,<sup>17</sup> however, the President put the provisional agenda to the vote although no formal objection had been raised to its adoption. The President stated that he was doing so in awareness of the fact that the provisional agenda was not entirely in accordance with the wishes of every member of the Council. There was one instance,<sup>18</sup> when the President put the provisional agenda to the vote indicating that such a course had been agreed upon during consultations.

14. Although rule 10 was not explicitly invoked during the period under review, questions concerning the application of that rule were raised at the 1614th meeting, on 14 December 1971, in connexion with an item on the provisional agenda entitled: "Letter dated 12 December 1971 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/10444)".

15. Certain members of the Council, noting that although the Council had been debating the situation in the India/Pakistan subcontinent since 4 December 1971, that fact had not been reflected in the agenda of the Council. They suggested that, for the sake of conveni-

<sup>13</sup> For texts of relevant statements, see: S C (27), 1658th mtg.: President (Belgium), para. 20; Guinea, paras. 14 and 15.

<sup>14</sup> For texts of relevant statements, see: S C (28), 1703rd mtg.: President (Panama), para. 70; United States, para. 69.

<sup>15</sup> This procedure was extended to cases where addenda to the provisional agenda were proposed.

<sup>16</sup> For texts of relevant statements, see: S C (27), 1651st mtg.: President (Argentina), paras. 38 and 39, 42, 44, 53 and 54, 66, 73, 94, 105, 124, 126, 128, 130 and 131, 133, 136, 138 and 139; China, para. 22; France, paras. 18, 19; Guinea, para. 20; India, paras. 3 and 4; Sudan, para. 21; USSR, paras. 8, 30 and 31, 99, 132, 135, 137; United States, paras. 11, 23, 70, 92 and 93, 101, 104, 118, 123, 129; Yugoslavia, paras. 10, 69.

<sup>17</sup> S C (30), 1842nd mtg., paras. 1-3, 11, in connexion with the applications for membership of the Democratic Republic of Viet-Nam, the Republic of South Viet-Nam and the Republic of Korea.

<sup>18</sup> S C (30), 1834th mtg., paras. 2-6, in connexion with the three applications for membership mentioned in footnote 17.

ence, the title of the question under the Council's consideration might be changed to read: "The situation in the India/Pakistan subcontinent". In the absence of any objection to amending the provisional agenda as suggested, the President declared the agenda, as amended, adopted.<sup>19</sup>

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

16. In accordance with rule 11 of the provisional rules of procedure, the Secretary-General circulated to members of the Council each January a summary statement of matters of which the Council was seized and, each week thereafter, an addendum indicating the stage reached in the consideration of any matter that had been taken up during the preceding week.

17. There were a number of instances during the period under review of decisions to remove questions from the list of matters of which the Security Council was seized. In one such instance<sup>20</sup> the President explicitly requested the Secretary-General to delete an item from the list. In the other instances the Secretary-General deleted items from the list, having ascertained the consent of the Council, following written requests by Member States concerned. During the period under review, the following items were deleted from the list of matters of which the Security Council was seized:

(a) "Letter dated 26 December 1963 from the Permanent Representative of Cyprus to the President of the Security Council" (replaced by the item "The situation in Cyprus");

(b) "Letter dated 18 December 1961 from the Permanent Representative of Portugal addressed to the President of the Security Council";

(c) "The question of Bahrain";

(d) "Letter dated 13 February 1958 from the Permanent Representative of Tunisia to the President of the Security Council concerning 'Complaint by Tunisia in respect of an act of aggression committed against it by France on 8 February 1958 at Sakiet-Sidi-Youssef'";

(e) "Letter dated 14 February 1958 from the Permanent Representative of France to the President of the Security Council concerning: 'Situation resulting from the aid furnished by Tunisia to rebels enabling them to conduct operations from Tunisian territory directed against the integrity of French territory and the safety of persons and property of French nations'";

(f) "Letter dated 29 May 1958 from the representative of Tunisia to the President of the Security Council concerning: 'Complaint by Tunisia in respect of acts of armed aggression committed against it since 19 May 1958 by the French military forces stationed in its territory and in Algeria'";

(g) "Letter dated 29 May 1958 from the representative of France to the President of the Security Council concerning: a 'The complaint brought by France against Tunisia on 14 February 1958'; and b 'The situation arising out of the disruption, by Tunisia, of the *modus vivendi* which had been established since February 1958 with regard to the stationing of French troops at certain points in Tunisian territory'";

<sup>19</sup>For texts of relevant statements, see: S C (26), 1614th mtg.: President (Sierra Leone), paras. 1-2, 9; China, para. 6; France, para. 5; Somalia, paras. 3-4, 8.

<sup>20</sup>For the text of the President's statement, see: S C (29), 1810th mtg., concluding statement by the President, noting that the item to be deleted, "Letter dated 26 December 1963 from the Permanent Representative of Cyprus to the President of the Security Council", had been superseded by the item on the agenda of the meeting, "The situation in Cyprus".

(h) "Telegram dated 20 July 1961 addressed to the President of the Security Council by the Secretary of State for Foreign Affairs of the Republic of Tunisia. Letter dated 20 July 1961 from the Permanent Representative of Tunisia addressed to the President of the Security Council";

(i) "The Iranian question";

(j) "Complaint of failure by the Iranian Government to comply with provisional measures indicated by the International Court of Justice in the Anglo-Iranian Oil Company Case";

(k) "Appointment of a Governor of Free Territory of Trieste";

(l) "The question of the Free Territory of Trieste";

(m) "Complaint by Chad";

(n) "Complaints by the Democratic Republic of the Congo";

(o) "Complaints by Senegal".

2. REPRESENTATION AND CREDENTIALS (RULES 13-17)

18. 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 by members of the Security Council in accordance with rule 13 of the provisional rules of procedure. In the absence of a request that these credentials be considered by the Council they were considered approved without objection.

19. Reports have no longer been issued with respect to representatives of States not members of the Security Council. The practice was discontinued in conformity with efforts to control and limit documentation. The credentials of representatives accredited to the United Nations are on file with the Secretariat or are received by the Secretary-General and communicated to the President of the Security Council. No objection has been raised to this practice in the period under review.

20. During this period questions concerning the application of the rules of procedure governing representation and credentials were raised on several occasions. In one instance objections were raised to the credentials of a representative who, it was asserted, was illegally occupying the seat of the proper representative of the Member State concerned. The Council, after hearing objections to the acceptance of the credentials and statements in reply to those objections, proceeded with its business without taking a decision on the question.<sup>21</sup>

21. In another instance, the Secretary-General was informed by telegram by the "Foreign Minister" of a Member State where a coup d'état had taken place that its Permanent Representative had been released from his post and that his accredited successor was on his way to New York. The telegram requested that the Security Council adjourn for twenty-four hours in order to enable the new Permanent Representative to arrive in New York and attend the Security Council. The Council, after being informed of the contents of the telegram, agreed to adhere to its decision taken at an earlier meeting to invite the Member State to participate in the debate and to hear an address by its Head of State who, the Council further agreed, would be received in that capacity with respect to the debate in question. The Council further agreed that, in respect of the current

<sup>21</sup>For the texts of relevant statements, see: S C (26), 1565th mtg.: President (United States), paras. 99-101; China, paras. 92-98; France, paras. 85-88; Italy, paras. 90 and 91; Poland, para. 89; Somalia, paras. 52-74; Syria, paras. 78-80; USSR, paras. 82-84.

debate, the Permanent Representative in question, having been duly accredited by his Head of State, was to be regarded as representing his country.<sup>22</sup>

### 3. THE PRESIDENCY (RULES 18-20)

22. During the period under review there were a few cases concerning the interpretation of rule 18. In one instance when the Deputy Permanent Representative of the United Kingdom presided over a meeting of the Council in the absence of the Permanent Representative, the representative of the USSR, without explicitly raising an objection, termed it "a breach of tradition".<sup>23</sup> From statements made during a meeting of the Council on 4 February 1976, it is evident that the presidential chair was occupied temporarily during the course of the meeting by both the Permanent Representative of the United States and by a deputy.<sup>24</sup>

23. On another occasion, the representative of the USSR stated that, if the Council continued to meet beyond 12 midnight on the last day of the month, he would assume the President's chair because it was his delegation's turn to take the Presidency of the Council for the month.<sup>25</sup> At the end of another month the President, noting that it was 12.10 a.m. and thus a new month had started, stated that, strictly speaking, he was no longer the President and that he would like to pass over the Presidency to his successor. The representative of China, whose turn it was to take the chair, requested the President to continue to preside to enable the meeting to conclude smoothly. The representative of the United Kingdom, on the other hand, stated that the President had ceased to be President at midnight and the proper thing to do was to suspend the meeting for a sufficient period of time to allow the nameplates to be changed so that his successor could assume the Presidency. The President then stated that he would suspend the meeting, as suggested by the representative of the United Kingdom. However, since no representative wished to take the floor, the meeting adjourned instead.<sup>26</sup>

24. In general, during the period covered, the procedure of authorizing, explicitly or implicitly, the President of the Council to express the wish or consensus of the Council in accordance with the provisions of rule 19 continued to be resorted to on many occasions. This included those cases where the President, at meetings following informal consultations with the members of the Council, presented a draft resolution<sup>27</sup> embodying the result of these consultations and those instances when the President, also after consultations, made a statement expressing the consensus of members of the Council.<sup>28</sup> In other instances, such agreement or consensus has been published, without a formal meeting, as a statement by the President in a note<sup>29</sup> circulated as a Security Council document. No objections were raised in these instances to the formulations used by the President in expressing the wish or consensus of the Council,

<sup>22</sup>S C (29), 1780th mtg., paras. 2 and 3, in connexion with the situation in Cyprus

<sup>23</sup>For the text of the relevant statement, see S C (28), 1731st mtg., USSR, para. 3.

<sup>24</sup>S C (31) 1886th mtg.: President, paras. 1 and 2; United Republic of Tanzania, para. 122.

<sup>25</sup>S C (29), 1788th mtg.: USSR, last intervention.

<sup>26</sup>For the texts of relevant statements, see: S C (31), 1906th mtg.: President (Benin), paras. 316, 320; China, para. 317; United Kingdom, para. 318.

<sup>27</sup>In connexion with the Cyprus question, see: S C (25), 1552nd mtg., paras. 1, 4-12; 1557th mtg., paras. 1-3; S C (27), 1646th mtg., para. 21; 1683rd mtg., paras. 1 and 2; S C (28), 1727th mtg., para. 2; 1759th mtg., paras. 1-3; S C (29), 1771st mtg., paras. 1 and

although on many occasions it was indicated that one or more members had dissociated themselves from the matter.

25. Rule 20 was invoked on one occasion<sup>30</sup> during the period under review. At the 1866th meeting of the Council on 16 December 1975, in connexion with the dispute between Iceland and the United Kingdom, the President (United Kingdom), citing rule 20 of the provisional rules of procedure and noting that the provision of the rule placed the matter entirely within the discretion of the President, announced that, in exercise of that discretion, he had decided not to preside over the Council during the discussion of the item. He then invited the representative of the United Republic of Cameroon to take the presidential chair for the remainder of the meeting.

### 4. CONDUCT OF BUSINESS (RULES 27-36)

#### a. Order of speaking

26. Questions concerning the application of rule 27 and the order of intervention in a debate arose on several occasions during the period under review. On one occasion a representative voluntarily interrupted his statement to enable the President to suspend the meeting so that the Council members could attend another function organized by the Secretary-General. Upon resumption of the meeting, the representative who had been speaking yielded the floor to enable others to speak before their turn on the list of speakers. The President then gave the floor to the next representative on the list of speakers, after assuring the representative who had surrendered the floor that he could speak again when he wished to do so.<sup>31</sup>

27. On another occasion, the President ruled that a representative could not yield the floor to another during explanations of vote, stating that those representatives who wished to explain their votes should be allowed to do so before other statements were heard.<sup>32</sup>

2; 1780th mtg., paras. 1-5; 1783rd mtg., paras. 1, 14; 1788th mtg., para. 11; 1792nd mtg., paras. 1-6; 1793rd mtg., paras. 1-2, 7-8; S C (30), 1863rd mtg., paras. 1 and 2; S C (31), 1927th mtg., paras. 2-6; S C (31), 1979th mtg., para. 10; S C (32), 2012th mtg., para. 4; 2032nd mtg., para. 2; 2054th mtg., para. 20; S C (33), 2080th mtg., para. 3; 2100th mtg., para. 3; 2107th mtg., para. 2. In connexion with the situation in the Middle East: S C (29), 1799th mtg., para. 1; S C (30), 1821st mtg., para. 5; S C (31), 1923rd mtg., paras. 1 and 2; 1964th mtg., paras. 1-4; 1975th mtg., para. 1; S C (32), 2010th mtg., para. 1; 2035th mtg., para. 2; 2051st mtg., para. 1; S C (33), 2079th mtg., paras. 1-3; 2089th mtg., paras. 3-6; 2091st mtg., paras. 1 and 2; 2101st mtg., paras. 1 and 2; 2145th mtg., para. 2. In connexion with the situation concerning Western Sahara: S C (30), 1833rd mtg., para. 5; 1850th mtg., paras. 1 and 2, 19; 1852nd mtg., paras. 3, 8 and 9; 1854th mtg., paras. 1-6. In connexion with the situation in Timor: S C (30), 1869th mtg., paras. 1-3. In connexion with the question relating to South Africa: S C (31), 1930th mtg., paras. 1 and 2. In connexion with the situation in Namibia: S C (33), 2062nd mtg., para. 4. In connexion with the situation in Southern Rhodesia: S C (31), 1907th mtg., paras. 2 and 3.

<sup>28</sup>S C (27), *Resolutions and Decisions, 1972*, p. 3; S C (28), *Resolutions and Decisions, 1973*, p. 9; S C (29), *Resolutions and Decisions, 1974*, pp. 1, 6; S C (30), *Resolutions and Decisions, 1975*, p. 5; S C (31), *Resolutions and Decisions, 1976*, pp. 2, 4, 5; S C (33), *Resolutions and Decisions, 1978*, pp. 6, 8.

<sup>29</sup>S C (25), *Resolutions and Decisions, 1970*, p. 2; S C (28), *Resolutions and Decisions, 1973*, pp. 6, 13, 14; S C (29), *Resolutions and Decisions, 1974*, pp. 2, 9; S C (30), *Resolutions and Decisions, 1975*, pp. 4, 5, 6; S C (31), *Resolutions and Decisions, 1976*, p. 2; S C (32), *Resolutions and Decisions, 1977*, pp. 9, 13, 17.

<sup>30</sup>For text of President's statement, see S C (30), 1866th mtg., paras. 5-8.

<sup>31</sup>For texts of relevant statements, see S C (25), 1546th mtg.: President (Nicaragua), paras. 4 and 5, 82, 84; Ghana, paras. 80, 83.

<sup>32</sup>For texts of relevant statements, see S C (28), 1748th mtg.: President (Australia) and India, following the first intervention by France.

28. On another occasion, the President, citing rule 27, appealed to those Council members who wished to take the floor to inscribe their names on the list of speakers so that they could be called upon to speak in the order of their inscription. He stated that he could not conduct an orderly debate when representatives asked to speak on points of order but made substantive statements.<sup>33</sup>

29. In one case, when the Council was hearing statements by individuals invited under rule 39, the President announced that, although two more invitees under rule 39 remained to be heard, he would defer their statements and call on the Secretary-General of the Organization of African Unity, who had to leave the chamber. The two individuals would be called upon to speak at the following meeting after members of the Council had made their statements. One representative then suggested that statements of individuals invited under rule 39 should be separated from statements by members of the Council. The President stated that he would proceed accordingly. Consequently, at the following meeting, the President called upon the two invitees to make their statements before giving the floor to members of the Council.<sup>34</sup>

30. On one occasion the President, referring to the news of heavy casualties suffered by United Nations personnel and by those of other diplomatic missions in Damascus as a result of bombing attacks earlier in the day, decided to waive the provision of rule 27 to enable members who had asked to express condolences to do so, and appealed to them to confine their remarks to the immediate subject.<sup>35</sup>

31. In one case a representative complained that, although his name had been inscribed on the list of speakers exercising their rights of reply before that of another representative, the latter had been given the floor earlier in violation of rule 27. The President replied that it was the generally recognized practice in the Council to accord Council members priority in speaking over representatives not members of the Council.<sup>36</sup> On another occasion, however, a representative not a member of the Council was given precedence over another representative, also not a member of the Council, although the latter contended that he had inscribed his name earlier.<sup>37</sup>

32. In one case, a representative, having asked for the floor on a point of order, proceeded to make a substantive statement. When another representative protested that this was a violation of the rules of procedure, the former, a permanent member of the Council, stated that, when he had started to make his statement, the only other name on the list of speakers had been that of a representative not a member of the Council and therefore his having made a statement when he did, did not constitute a violation of the rules of procedure.<sup>38</sup>

33. There was one instance when a representative invited under rule 37 requested the President to proceed to the vote on a draft resolution before the Council and appealed to members who had been inscribed to speak before the voting to postpone their statements until

after the vote. The President replied that it was up to the members concerned to agree to postpone their statements. After all members inscribed to speak before the voting had agreed to such a postponement, the Council moved on to the voting procedure and the President then gave the floor to those representatives who had inscribed their names to speak in explanation of vote before the vote. After they had made their statements, the Council proceeded to the vote on the draft resolution before it.<sup>39</sup>

## **\*\*b. Establishment of subsidiary bodies**

### **c. Presidential rulings**

#### **(i) Raising of points of order**

34. 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, after a representative had submitted a draft resolution and requested that it be put to the vote immediately, another representative, not a Council member, asked for the floor, and the President recognized him. When objections were raised on the ground that a non-member of the Council had no right to take the floor during the procedural part of the Council's debate, the President observed that the debate had not been closed when he gave the floor to the representative concerned. After further procedural debate, the representative was given the floor.<sup>40</sup>

35. In another instance, the President, after informing the Council that he had received a letter from a representative requesting that a letter and an attached communication from a delegation not a member of the United Nations be circulated as an official document of the Security Council, ruled that the Council defer consideration of the subject matter contained in that communication pending its circulation to the Council members. When one representative observed that it was not necessary to defer consideration of the communication pending its circulation, the President interpreted this as a challenge to his ruling and invoked rule 30 of the provisional rules of procedure. He then asked the Council to take an immediate decision and, noting that there were no objections to his ruling, stated that it would stand.<sup>41</sup>

36. On one occasion a representative, speaking on a point of order, requested that the representative of Bangladesh be invited to be heard by the Council under rule 39. When objection was raised to the proposal, the President stated that, since a point of order had been raised, he was obliged to give his ruling immediately. He then ruled against the proposal. The same representative then formally proposed the name of an individual to be invited under rule 39. The President, again invoking rule 30, ruled that on this occasion an individual had been properly named who qualified as a competent person under rule 39 but that, since an objection had been raised to inviting the individual, he would, in accordance with rule 30, submit his ruling to the Council for immediate decision. When the representative who had moved the

<sup>33</sup>For text of the President's statement, see: S C (26), 1608th mtg., paras. 212-213.

<sup>34</sup>For texts of relevant statements, see: S C (27), 1633rd mtg., President (Sudan), paras. 129, 132; Belgium, para. 136.

<sup>35</sup>For text of the President's statement, see: S C (28), 1744th mtg., para. 107.

<sup>36</sup>For texts of relevant statements, see: S C (28), 1749th mtg., President (Australia), following the second intervention by Israel; Israel, second intervention.

<sup>37</sup>For text of the relevant statement, see: S C (28), 1754th mtg.: Saudi Arabia, first intervention.

<sup>38</sup>For texts of relevant statements, see: S C (29), 1786th mtg., USSR and the United Kingdom, following the first intervention by the USSR.

<sup>39</sup>For texts of relevant statements, see: S C (33), 2074th mtg.: President (United Kingdom), paras. 1 and 2, 11; Lebanon, para. 4.

<sup>40</sup>For texts of relevant statements, see: S C (25), 1537th mtg., President (France), paras. 50-52, 54, 64, 67, 72, 75, 77 and 78, 109 and 110, 120, 122, 125; Israel, paras. 79, 96, 100; Spain, paras. 44-46; Syria, paras. 53, 55, 63, 76, 111; USSR, paras. 57-60, 65 and 66, 92-94, 113, 123, 128; United Kingdom, paras. 69-71; United States, paras. 61 and 62, 91, 112, 121, 124.

<sup>41</sup>For text of relevant statements, see: S C (26), 1606th mtg.: President (Sierra Leone), paras. 28-30, 48, 61-62, 66-67; USSR, paras. 57-60.

proposal stated that he would not insist on a vote, the President stated that he took that to mean that the proposal had been withdrawn.<sup>42</sup>

37. There was one occasion when a representative raised a point of order during a statement of a representative of a State not a member of the Council and protested that the latter was discussing questions that had no bearing on the agenda of the meeting. The President, stating that in his opinion all representatives should adhere to the item on the agenda, made an appeal to all speakers to do so.<sup>43</sup>

38. In another case, a representative formally moved that a draft resolution before the Council be put to the vote immediately and that those wishing to speak be given an opportunity to do so after the adoption of the draft resolution. A representative inscribed on the list insisted on his right to speak before the vote, while the proposer insisted on moving to a vote immediately on his proposal. At that point a number of representatives who had not been given the floor, spoke simultaneously from their places at the Council table, and others at the side of the Council chamber called out. The President, after pleading in vain for the restoration of order, suspended the meeting for ten minutes. After the resumption of the meeting, the representative who had requested the floor made a statement, and the Council then proceeded to vote on the draft resolution.<sup>44</sup>

39. In one instance, the President, in response to a point of order by a representative protesting the remarks of a speaker, stated that the speaker's remarks were not relevant to the subject at hand and urged the speaker to conclude his remarks, failing which he would have to rule him out of order. The President stated that he would allow the speaker one more minute to conclude his statement, and the speaker was then allowed to finish his statement.<sup>45</sup>

40. A question concerning the meaning of a point of order was considered at the 1940th meeting on 12 July 1975, during consideration of an item entitled "Complaint by the Prime Minister of Mauritius, current Chairman of the Organization of African Unity, of the 'act of aggression' by Israel against the Republic of Uganda". After one representative, speaking on a point of order, had urged the President to ensure that the Council did not depart from the agreed agenda, another representative, also on a point of order, asked the President "when is a point of order a point of order". The President, stating that he could only read out rule 30, did so. After further procedural discussion during which the first representative objected to the discussion of the question of hijacking under the item on the agenda, the President stated that it had been the practice in the Council to interpret any agenda item with some latitude and that it was the duty of each participant to adhere to the item "but not with such a restrictive interpretation".<sup>46</sup>

<sup>42</sup>For texts of relevant statements, see: S C (26), 1613th mtg.: President (Sierra Leone), paras. 76, 80-82, 90-94, 101, 115, 119-120, 124, 129, 134-136, 138; Argentina, paras. 83-89; USSR, paras. 77-79, 95, 108-114, 121, 123, 137.

<sup>43</sup>For texts of relevant statements, see: S C (28), 1736th mtg.: President (United States), and USSR, following the second intervention by Israel.

<sup>44</sup>For texts of relevant statements, see: S C (28), 1748th mtg.: the exchange between the President (Australia), China and the USSR, following the first intervention by the United States.

<sup>45</sup>For texts of relevant statements, see: S C (28), 1751st mtg.: President (Australia), paras. 204 and 205, 211; France, para. 202; and Saudi Arabia, paras. 212-223.

<sup>46</sup>For texts of relevant statements, see: S C (31), 1940th mtg.: President (Italy), para. 23; Libyan Arab Republic, paras. 9-11.

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

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

41. Rule 31, which governs the submission of proposed resolutions, amendments and substantive motions, states that these proposals "shall normally be placed before the representatives in writing". On several occasions, however, such proposals were made orally in the Council without giving rise to any objection. In one case, however, it was insisted that a written text be circulated. At the 1788th meeting, on 31 July 1974, in connexion with the situation in Cyprus, the representative of the USSR introduced an amendment to the operative part of a draft resolution before the Council and requested that the amendment be circulated in all the official languages of the Council in accordance with rules 31 and 46 of the provisional rules of procedure. The President and the representatives of the United Kingdom and the United States considered that the use of the word "normally" in rule 31 implied that written circulation was not obligatory. The representative of the USSR reiterated his request and introduced a second amendment which he insisted also be circulated in all official languages. The representative of the United States then requested that the Soviet motion for circulation of its amendments be put to the vote. The motion received no votes in favour, 5 against and 8 abstentions, with 2 not participating, and was therefore rejected. Following the rejection of the motion the two Soviet oral amendments were voted on separately.<sup>47</sup>

### \*\*e. Sponsorship of draft resolutions

#### f. Order of precedence of draft resolutions

42. The question of the application of rule 32 stating that principal motions and draft resolutions shall have precedence in the order of their submission was raised on five occasions during the period under review.

43. At the 1606th meeting, on 4 December 1971, in connexion with the situation in the India/Pakistan sub-continent, four draft resolutions were introduced in the following chronological order: a draft resolution sponsored by the United States, a draft resolution sponsored by the USSR, a draft resolution sponsored by Argentina, Burundi, Nicaragua, Sierra Leone and Somalia, and a draft resolution sponsored by Belgium, Italy and Japan. After the voting on the United States draft resolution, the President was about to put the USSR draft resolution to the vote when the representative of Argentina, speaking on a point of order, stated that, based on the document symbols, the draft resolution submitted by Belgium, Italy and Japan (S/10417), should have precedence over the USSR draft resolution (S/10418). He asked if there was any special reason why the order established in rule 32 should be abandoned. The President replied that, according to the order of presentation and receipt, the first draft resolution received by the President was that of the United States; the second that of the USSR; the third that submitted by Belgium, Japan and Italy and the fourth the five-Power draft resolution and that he was not responsible for the numbering.<sup>48</sup>

44. At the 1637th meeting, on 3 February 1972, in Addis Ababa, in connexion with the consideration of questions

<sup>47</sup>For the texts of relevant statements, see: S C (29), 1788th mtg.: President (Peru), paras. 156, 161; Byelorussian SSR, paras. 155, 171; France, para. 147; the USSR, paras. 143-145, 150, 160; the United Kingdom, paras. 146, 151-153, 162 and 163; and the United States, paras. 157-159.

<sup>48</sup>For texts of relevant statements, see: S C (26), 1606th mtg.: President (Sierra Leone), para. 392; Argentina, para. 391.

relating to Africa, the Council had four draft resolutions before it contained in documents S/10607, S/10608, S/10609 and S/10376/Rev.2 respectively. The last-mentioned draft resolution, in its original form (S/10376), had been introduced by Argentina at the 1598th meeting, on 20 October 1971, and revised on 22 October 1971; voting on the text had subsequently been deferred by the Council to a future unspecified date. At the 1637th meeting, the representative of the USSR, noting the document symbol of the Argentine draft resolution, asked whether the representative of Argentina intended to ask for priority for his draft. The representative of Argentina replied that the question of priority did not arise in the case of revised texts because a draft resolution retained the priority acquired at the time of its first submission. The representative of the USSR stated that, by insisting on priority for his draft resolution, the representative of Argentina might jeopardize the adoption of the other draft resolutions before the Council. The representative of Argentina replied that he had no reason to ask for priority; it was for those who had submitted draft resolutions subsequently who had to ask for priority. Towards the end of the meeting the President informed the Council that it now had before it a fifth draft resolution in document S/10606. At the 1638th meeting, on 4 February 1972, the President stated that, under the rules of procedure, he was obliged to put the Argentine draft to the vote first, although, in his opinion, the normal procedure would be to vote first on the draft contained in document S/10606 pertaining to Southern Rhodesia, and thereafter to proceed to vote on the draft resolutions pertaining to Namibia, including the Argentine draft resolution. The representative of the USSR, stating that the Council was the master of its own procedure and could take any decision on how to vote, proposed that draft resolutions S/10606, S/10607 and S/10609 be voted on first, followed by draft resolutions S/10376/Rev.2 and S/10608. The President then put to the vote the two draft resolutions on the situation in Namibia (S/10376/Rev.2 and S/10608). At the 1639th meeting, on 4 February 1972, the President announced that it was his intention to put to the vote, first, the draft resolution on Southern Rhodesia contained in document S/10606, which had been distributed two days earlier, followed by the draft resolutions on *apartheid* (S/10609/Rev.1) and the Portuguese Territories (S/10607). In the absence of any objection the draft resolutions were put to vote in this order.<sup>49</sup>

45. In another case, the President, at the request of a representative who had to leave the same day, put the letter's draft resolution (S/10918) to the vote first although it had been tabled after another draft resolution (S/10916/Rev.1). The President cited rule 32 of the provisional rules of procedure and stated that nonetheless, because of the specific request addressed to the Council, he would put draft resolution S/10918 to the vote first.<sup>50</sup>

46. The question of the application of paragraph 2 of rule 32, which states that parts of a motion or a draft resolution may be voted on separately unless the original mover objects, was raised on one occasion during the period under review. At the 1677th meeting, on 22 November 1972, in connexion with the question concerning the situation in the territories under Portuguese

administration, the Council had before it a draft resolution sponsored by Guinea, Somalia and Sudan. Before the vote, the representative of the United States requested a separate vote on paragraph 2 on which his delegation entertained certain reservations. On behalf of the sponsors, the representative of Somalia declined to accede to that request because of the importance they attached to paragraph 2. The representative of the United States then asked for a ruling by the President as to whether objection by the sponsor was sufficient to rule out a motion for a separate vote "or whether we can have a vote to see whether we shall have a separate vote". The President, citing rule 32, stated that "if the co-sponsors are opposed to a separate vote, I believe it is the President's duty to put the draft resolution to a vote". The draft resolution was then put to the vote as a whole and adopted.<sup>51</sup>

*g. Order of precedence of motions under rule 33*

47. 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 in accordance with paragraphs 1, 2 or 3 of rule 33. Once the nature of a particular motion was established, it was generally maintained that the above-mentioned motions had precedence in the order given, 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 a suspension or simple adjournment was not. Thus on one occasion a request for a recess of fifteen minutes was interpreted by the President as a motion under rule 33, paragraph 1, to suspend the meeting and, after noting that there was no objection, the President declared the meeting suspended without debate.<sup>52</sup> On another occasion, after objections were raised to a suggestion that the Council meeting be adjourned until the following morning, a representative moved that the meeting be suspended until such time as the President was satisfied that consultations had proceeded to a degree that the Council would be able to have a fruitful meeting. Objections having been raised to the motion, the representative reminded the President that, under the rules of procedure, his motion had to be put to the vote without debate. After the motion had been voted upon and adopted, the President declared the meeting suspended.<sup>53</sup>

48. In another case, following a request for a 24-hour suspension of the meeting, made in a telegram from the Head of State of a non-member of the Council, who asked for the suspension to enable his Foreign Minister to participate in the debate on the situation in the Middle East, the President stated that he intended to comply with the request and to call on the Foreign Minister to make his statement the following day after the conclusion of the Council's consideration of another issue. He stated that he was doing this as an exception "since we are scheduled to suspend the discussion of the question of the Middle East today in principle". In the absence of any objection, the President stated that he would move accordingly. The following day, at the conclusion of its consideration of the question of Cyprus,

<sup>49</sup>For texts of relevant statements, see: S C (27), 1637th mtg.: President (Sudan), paras. 9, 133; Argentina, paras. 119, 171; USSR, paras. 115, 124; 1638th mtg.: President (Sudan), paras. 43, 46, 48; USSR, para. 47; 1639th mtg.: President (Sudan), paras. 1, 48.

<sup>50</sup>For the text of the President's statement, see: S C (27), 1710th mtg., paras. 5-8.

<sup>51</sup>For texts of relevant statements, see: S C (27), 1677th mtg.: President, para. 82; Somalia, para. 78; United States, paras. 76, 79-81.

<sup>52</sup>S C (26), 1611th mtg.: President (Sierra Leone), paras. 138-139.

<sup>53</sup>For text of relevant statements, see: S C (27), 1614th mtg.: President (Sierra Leone), paras. 45, 47, 49; Somalia, para. 44; United Kingdom, paras. 12, 17, 46, 48.

the President stated that, in accordance with the Council's decision taken the previous day, he would invite the Foreign Minister to make his statement.<sup>54</sup>

49. In another instance,<sup>55</sup> a representative moved for an adjournment of the meeting on the question of South Africa until 3 o'clock the following afternoon to enable delegations to consult with their Governments. Another representative, while not objecting to an adjournment, proposed that the date of the next meeting be fixed by the incoming President after consultations with members of the Council. A third representative proposed that the Council vote on two points, first on the motion for adjournment and then on the date of the next meeting. The President, interpreting the proposals of the last two representatives as motions for a simple adjournment of the meeting, stated that, under rule 33, their proposals would have precedence over the motion of the first representative. He then urged the first representative to agree to a simple adjournment on the understanding that it would be left to the incoming President to fix the date of the next meeting. The representative stated that he would be prepared to withdraw his motion if it were understood that the Council would meet the next day for informal consultations followed by an early formal meeting. The President then inquired if the Council members wished to hold informal consultations the following day and, in the absence of any objection, declared that procedure approved.

<sup>54</sup>For texts of the President's statement, see: S C (28), 1725th mtg.: opening statement; 1728th mtg.: paras. 97, 98.

<sup>55</sup>For texts of relevant statements, see: S C (32), 2045th mtg.: President (India), paras. 75 and 76, 78 and 79, 85; Canada, paras. 66, 88; Libyan Arab Jamahiriya, paras. 72-74; Mauritius, paras. 67-69.

#### \*\*h. *Withdrawal of motions or draft resolutions*

##### 5. APPLICATION OF RULE 39

50. The practice of the Security Council of extending invitations to individuals under rule 39 was extended during the period under review to cover representatives of other organs of the United Nations and of regional inter-governmental organizations.

51. The use of rule 39 to extend invitations to address the Security Council to spokesmen for other organs of the United Nations, which were in every case subsidiary bodies established by the General Assembly, began in 1970. On the first few occasions when such invitations were extended, in 1970 and 1971, the letter of request from the body concerned was issued as a document of the Security Council while, on the occasion of the Security Council's meetings away from Headquarters, in Addis Ababa, in January 1972, the Secretary-General issued a note, dated 27 January 1972,<sup>56</sup> informing the Council that three United Nations bodies had decided to be represented, namely: the Special Committee on *Apartheid*, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the United Nations Council for Namibia. From that time onward, the letters from other United Nations bodies requesting invitations to address the Council have been placed on the record of the Council's meetings by the President. The occasions on which the Council has extended such invitations during the period under review are set out in the following tabulation.

<sup>56</sup>S C (27), Suppl. for Jan.-March, 1972, S/10600.

#### A. UNITED NATIONS COUNCIL FOR NAMIBIA

<i>Requestor</i>	<i>Meeting no</i>	<i>Date</i>	<i>Agenda item</i>
1. President (S/9619).....	1527	28 Jan. 1970	Situation in Namibia
2. President (S/10332).....	1584	27 Sept. 1971	Situation in Namibia
3. President (S/10600).....	1628	28 Jan. 1972	Consideration of question relating to Africa with which the Security Council is currently seized and the implementation of the Council's relevant resolutions
4. Representatives of Guyana and Nigeria.....	1656	31 July 1972	Situation in Namibia
5. President.....	1678	28 Nov. 1972	Situation in Namibia
6. President and delegation of 3....	1756	10 Dec. 1973	Situation in Namibia
7. Delegation.....	1811	17 Dec. 1974	Situation in Namibia
8. President and delegation.....	1823	30 May 1975	Situation in Namibia
9. President and delegation.....	1880	27 Jan. 1976	Situation in Namibia
10. President and delegation.....	1902	29 Mar. 1976	Complaint of aggression by South Africa against Angola
11. Acting President and delegation...	1944	27 July 1976	Complaint by Zambia against South Africa
12. Acting President and delegation...	1954	31 Aug. 1976	Situation in Namibia
13. President and delegation.....	1988	21 Mar. 1977	Question of South Africa
14. President.....	2078	6 May 1977	Complaint by Angola against South Africa
15. President.....	2082	27 July 1978	Situation in Namibia
16. President and delegation.....	2087	29 Sept. 1978	Situation in Namibia
17. President and 3 Vice-Presidents...	2092	31 Oct. 1978	Situation in Namibia
18. President and 3 Vice-Presidents...	2103	4 Dec. 1978	Situation in Namibia

B. SPECIAL COMMITTEE AGAINST *Apartheid*

<i>Requestor</i>	<i>Meeting no</i>	<i>Date</i>	<i>Agenda item</i>
1. Chairman (S/10600).....	1628	28 Jan. 1972	Questions relating to Africa with which the Council is currently seized
2. Chairman .....	1699	19 Mar. 1973	Question of peace and security in Latin America
3. Rapporteur .....	1881	27 Jan. 1976	Situation in Namibia
4. Chairman .....	1901	29 Mar. 1976	Complaint of aggression by South Africa against Angola
5. Rapporteur .....	1929	18 June 1976	Situation in South Africa: killings and violence by the <i>apartheid</i> régime in South Soweto and other areas
6. Representative of Somalia on behalf of the Committee.....	1945	28 July 1976	Complaint by Zambia against South Africa
7. Chairman .....	2042	28 Oct. 1977	Question of South Africa
8. Chairman .....	2053	9 Dec. 1977	Question of South Africa

## C. SPECIAL COMMITTEE ON THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

1. Chairman (S/10600).....	1628	28 Jan. 1972	Consideration of questions relating to Africa with which the Security Council is currently seized and implementation of the Council's relevant resolutions
2. Chairman .....	1699	19 Mar. 1973	Question of peace and security in Latin America
3. Chairman .....	1791	12 Aug. 1974	Admission of new Members: Guinea-Bissau
4. Chairman .....	2087	29 Sept. 1978	Situation in Namibia

## D. COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

1. Chairman, Rapporteur and members .....	1924	9 June 1976	Palestinian rights
2. Chairman .....	2041	7 Oct. 1977	Palestinian rights

52. During the period under review, the Security Council also resorted to rule 39 to hear statements by representatives of regional agencies of the nature referred to in Chapter VIII of the Charter. However, on two occasions the Council made no reference to rule 39 when inviting the Head of a Member State to address it in his capacity as Chairman of the Organization of African Unity.<sup>57</sup> Invitations specifically under rule 39 were addressed to the Executive or Administrative

Secretary of the Organization of African Unity, the Secretary-General of the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL) and the Observer of the League of Arab States to the United Nations, as set out below:

<sup>57</sup>S C (26), Suppl. for July-Sept., 1971, S/10326 and *ibid.*, 1583rd mtg., para. 2.

## A. ORGANIZATION OF AFRICAN UNITY

<i>Requestor</i>	<i>Meeting no</i>	<i>Date</i>	<i>Agenda item</i>
1. Representatives of Guinea, Kenya and the Sudan (S/10930).....	1699	19 Mar. 1973	Measures for the maintenance and strengthening of international peace and security in Latin America
2. Representatives of Gabon, Mauritius and Nigeria (S/12872).....	2087	29 Sept. 1978	Situation in Namibia

## B. AGENCY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (OPANAL)

1. Representatives of Panama and Peru (S/10892).....	1696	15 Mar. 1973	Measures for the maintenance and strengthening of international peace and security in Latin America
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## C. LEAGUE OF ARAB STATES

Requestor	Meeting no	Date	Agenda item
1. Representative of the Sudan (S/10933) . . . . .	1700	19 Mar. 1973	Measures for the maintenance and strengthening of international peace and security in Latin America
2. Representative of the Sudan (S/10986) . . . . .	1737	14 Aug 1973	The situation in the Middle East
3. Representative of the Libyan Arab Republic (S/2113) . . . . .	1933	24 June 1976	Exercise of the inalienable rights of the Palestinian people

53. In extending invitations under rule 39 to individuals, the Security Council has acted upon requests couched in a variety of ways. The procedure followed in the majority of cases is for the representatives of members of the Security Council to address a letter to the President of the Security Council requesting that an invitation under the provisions of rule 39 of the provisional rules of procedure be extended to an individual, setting out his title or qualifications; the President then proposes that the invitation be extended to the individual as requested. For example, in a letter dated 30 September 1971, the representatives of Burundi, Sierra Leone and Somalia requested that, during the course of the Council's meetings concerning Namibia, "an invitation under the provisions of rule 39 of the provisional rules of procedure of the Security Council should be extended to Mr. Nujoma, President of SWAPO". The letter was circulated as document S/10346.<sup>58</sup> At the 1587th meeting, the President drew attention to that communication and proposed that, at an appropriate time, an invitation be extended to Mr. Nujoma under rule 39 as requested in the letter from the three members of the Council. In the absence of objection, it was so decided.

54. On other occasions, representatives of States members of the Security Council who were invited to participate in the Council's discussion in accordance with rule 37, and thus had a right of proposition under rule 38, addressed letters to the President of the Security Council requesting the extension of invitations under rule 39 to individuals. For example, during the consideration of the situation in Timor in December 1975, letters were addressed to the President of the Security Council by the representatives of Guinea-Bissau (S/11911) and Indonesia (S/11912) proposing the extension of invitations to several persons whom they identified by titles and, at the 1864th meeting of the Council, the President proposed, if there was no objection, to extend the invitations under rule 39 to the persons named in those documents. It was so decided.<sup>59</sup>

55. The Council also took a decision on the extension of an invitation under rule 39 on the basis of a proposal made orally during the course of a meeting of the Council. During the consideration in November 1971 of the question concerning the situation in Southern Rhodesia, a proposal was made that the leaders of two political parties, namely, Mr. Joshua Nkomo, leader of Zimbabwe African People's Union (ZAPU) and Mr. Ndabaning Sithole, leader of Zimbabwe African National Union (ZANU), should be heard by the Council. Following consultations with the members of

<sup>58</sup>See S C (26), Suppl. for Oct.-Dec., 1971, S/10346 and *ibid.*, 1587th mtg., paras. 3-4.

<sup>59</sup>See S C (30), Suppl. for Oct.-Dec., 1975, S/11911 and S/11912 and *ibid.*, 1864th mtg., para. 4.

the Council, the President for the following month asked if there were any objection to the proposal and, there being none, declared it so decided. Subsequently, the President of the Security Council issued a note (S/10470) in which he set out the text of a letter which he had addressed to the Permanent Representative of the United Kingdom concerning the Council's decision under rule 39 and expressing the hope that his Government, as the Administering Authority of the Territory, would take the appropriate steps to ensure compliance with the decision of the Council. He also set out the text of the reply in which the representative of the United Kingdom stated that Mr. Nkomo was in detention and Mr. Sithole was serving a prison sentence in Rhodesia, and that his Government regretted that it was not in a position to require the Rhodesian authorities to allow either of them to come to New York.<sup>60</sup>

56. Still another procedure for the extension of an invitation pursuant to rule 39 was followed after December 1974 in the course of the Council's consideration of the situation in Cyprus. At the 1810th meeting, the President recalled that, in the course of consultations, members had agreed that the Council should extend an invitation under rule 39 to Mr. Celik.<sup>61</sup> This practice differed from that described in *Supplement No. 4*<sup>62</sup> of the *Repertory*, wherein the Council's decision had been taken pursuant to a written communication from a Member State invited to participate in the discussion of that issue, when the communication had been published as a document of the Council.

57. In connexion with the extension of invitations to individuals under rule 39, an incident arose during consideration of the question of South Africa when a member of the Council noted that, in their letter proposing the extension of an invitation under rule 39, members of the Council had not given any indication, other than his name, of the identity and qualifications of the individual whom the Council was requested to hear, and he suggested that that point might be borne in mind in the future.<sup>63</sup>

58. The application of rule 39 was considered at some length in December 1975 during the consideration of the situation in the Middle East, and a practice was established which was followed on numerous occasions thereafter. At the 1859th meeting, on 4 December 1975, the President (United Kingdom) called attention to the

<sup>60</sup>For the texts of relevant statements, see: S C (26), 1602nd mtg.: President (Poland), para. 144; Somalia, para. 138; USSR, paras. 78 and 79, 145; United Kingdom, para. 146; 1604th mtg.: President (Sierra Leone), paras. 44 and 45, 48, 53; Somalia, para. 52; and S C (26), Suppl. for Oct.-Dec., 1971, S/10470.

<sup>61</sup>S C (29), 1810th mtg., paras. 2 and 3.

<sup>62</sup>See *Repertory, Supplement No. 4*, volume 1, under Article 30, para. 37.

<sup>63</sup>S C (32), 1991st mtg.: United Kingdom, paras. 7-9.

fact that, in a letter<sup>64</sup> dated 3 December 1975, requesting an urgent meeting of the Council, the Permanent Representative of Egypt had requested the participation of the Palestine Liberation Organization (PLO) in the debate; he added that, during consultations prior to the meetings, the representatives of Guyana, Iraq, Mauritania, the United Republic of Cameroon and the United Republic of Tanzania had put forward the same proposal and had asked the President to record that that proposal was not being put forward under rule 37 or rule 39 of the provisional rules of procedure but, if it were adopted by the Council, the invitation to the PLO to participate in the debate would confer on it the same rights of participation as were conferred when a Member State was invited to participate under rule 37.

59. In the course of the exchange of views which ensued, the representatives of France, Italy and Japan expressed the view that the invitation could be extended only on the basis of rule 39, which they could support because the PLO should not be equated with sovereign Member States whose participation was governed by rule 37. The representative of the United States, requesting a vote on the issue, said that his Government was not prepared to agree to an *ad hoc* departure from the rules of procedure tailored to meet the asserted needs of the PLO. In his view, the proposal represented a concerted attempt to disregard the rules of procedure and to accord the PLO a role greater than that granted to observers of liberation movements. The representatives of the Byelorussian SSR, Iraq and the USSR, on the other hand, supported the invitation to the PLO to participate in the discussion, not under rule 37 or rule 39, but by a Council decision on the proposal under no particular rule. They stated that the PLO had been recognized by the General Assembly as the legitimate

representative of the Palestinian people, who were the victims of the aggression to be discussed by the Council and had been accorded the status of permanent observer. The Council President, speaking as the representative of the United Kingdom, said that to grant to the PLO an exceptional status in the Council's proceedings would constitute an undesirable and unnecessary departure from the established practice of the Council. He did not regard it as appropriate to accord such a status to a body which not only was not a Member State but which did not claim to be a State or the government of a State. The PLO had, he said, been accorded a certain status by the Assembly but it did not, in his view, have the same status as those non-member States which had been recognized as permanent observers.

60. The Council then adopted the proposal by 9 votes to 3, (Costa Rica, United Kingdom, United States), with 3 abstentions (France, Italy, Japan) and, in accordance with the Council's decision, the representative of PLO was then invited to participate in the debate.<sup>65</sup>

61. On one subsequent occasion,<sup>66</sup> the Council decided, by a vote of 10 to 1 with 4 abstentions, to invite the representative of the PLO to be seated at the Council table for the duration of the deliberations on the item. The United States stated that, having opposed the invitation to the PLO on the ground that only States should be so represented, he also opposed the seating of the representative of the PLO. On a later occasion<sup>67</sup> the representative of the PLO was invited to be seated at the Council table without any formal decision by the Council.

<sup>65</sup>For texts of relevant statements, see: S C (30), 1859th mtg.: President (United Kingdom), paras. 1-3, 78-84; Byelorussian SSR, paras. 54-57; France, paras. 7-10; Iraq, paras. 30-34, 58-63; Italy, paras. 19-27; Japan, paras. 28 and 29; USSR, paras. 35-47, 64-66, United States, paras. 12-18, 48-53.

<sup>66</sup>S C (33), 2071st mtg., paras. 7-8.

<sup>67</sup>S C (33), 2086th mtg., paras. 1 and 2.

<sup>64</sup>S C (30), Suppl. for Oct.-Dec., 1975, S/11893.