

Chapter I

PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL

CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE	3
Note	3
PART I. MEETINGS (RULES 1-5)	
** 1. Consideration of the adoption or amendment of rules 1-5	3
2. Special cases concerning the application of rules 1-5	3
PART II. REPRESENTATION AND CREDENTIALS (RULES 13-17)	
Note	7
** 1. Consideration of the adoption or amendment of rules 13-17	7
2. Special cases concerning the application of rules 13-17	7
PART III. PRESIDENCY (RULES 18-20)	
Note	8
** 1. Consideration of the adoption or amendment of rules 18-20	8
2. Special cases concerning the application of rules 18-20	8
PART IV. SECRETARIAT (RULES 21-26)	
Note	10
** 1. Consideration of the adoption or amendment of rules 21-26	11
2. Special cases concerning the application of rules 21-26	11
PART V. CONDUCT OF BUSINESS (RULES 27-36)	
Note	14
** 1. Consideration of the adoption or amendment of rules 27-36	15
2. Special cases concerning the application of rules 27-36	15
** PART VI. VOTING (RULE 40)	20
PART VII. LANGUAGES (RULES 41-47)	
Note	21
** 1. Consideration of the adoption or amendment of rules 41-47	21
2. Special cases concerning the application of rules 41-47	21
** PART VIII. PUBLICITY OF MEETINGS, RECORDS (RULES 48-57)	21
** PART IX. APPENDIX TO PROVISIONAL RULES OF PROCEDURE	21

INTRODUCTORY NOTE

This chapter of the *Supplement* contains material pertaining to the practice of the Security Council in relation to all the provisional rules of procedure with the exception of those rules which are dealt with in other chapters as follows: chapter II: Agenda (rules 6-12); chapter III: Participation in the proceedings of the Council (rules 37-39); chapter VII: Admission of new Members (rules 58-60); chapter VI: Relations with other organs (rule 61). Material relating to the application of Article 27 (rule 40) is presented in chapter IV.

The major headings under which the material is entered in this chapter follow the classification previously adopted for the *Repertoire*. The arrangement of each part is based on the successive chapters of the provisional rules of procedure of the Security Council.

During the period under review, the Council has not

considered the adoption or amendment of rules of procedure.¹ Consequently, the case histories entered in respect of each rule are confined entirely to those proceedings of the Council in which a question has arisen regarding the application of the rule, especially where discussion has taken place regarding a temporary variation from the usual practice. As was noted in the previous volumes, the case histories in this chapter do not constitute cumulative evidence of the practice of the Council, but are indicative of special problems which have arisen in the proceedings of the Council under its provisional rules.

¹The adoption of the amendment to Article 27 of the Charter did not call for an amendment to rule 40 of the provisional rules of procedure of the Security Council. For text of Article 27, as amended, see chapter IV, foot-note 1 to introductory note.

Part I

MEETINGS (RULES 1-5)

NOTE

The entries in this part constitute special instances related to the convening of Council meetings. They are concerned with the interpretation of rules 1-5, which reflect the provisions of Article 28 of the Charter.

During the period under review, problems have arisen on the extent to which consultations by the President with Council members should determine the date and time for the convening of meetings (rule 1, Cases 1, 2, 4, 5, 7, 8, 9 and 10). In one instance, the fixing of a date for a meeting was made after the view of the incoming President had been solicited (rule 1, Case 3). The relation between rules 1, 2 and 3 has in another instance been made a subject of debate, as the question was raised whether the President could convene a Council meeting on his own initiative (rule 1, Case 6). In still another instance the President explained why a meeting had to be convened under rule 2 (Case 11).

No periodic meetings, as provided in rule 4, were held during the period covered by the *Supplement*. There were, furthermore, no meetings held outside the United Nations Headquarters, although on one occasion the suggestion was made by some representatives that meetings for the particular question under consideration should be held in the territory of a Member State where the armed conflict giving rise to the question was taking place (rule 5, Case 12).

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

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

a. Rule 1

CASE 1

At the 1140th meeting on 5 August 1964, in connexion with the complaint of the United States

(Tonkin Gulf incident), the representative of the USSR renewed his delegation's earlier request that the Council meeting on the matter be postponed to the next day. In explanation, he noted that during the consultation which the President had had regarding the time to be fixed for the meeting, his delegation requested postponement to the morning of 6 August in order to have the necessary instructions from his Government. At the meeting of 5 August, the USSR delegation found itself "in the same position as when it requested the President and other members of the Council to shift the beginning of the meeting to the morning of August 6".

The representative of the United States opposed the USSR request for postponement of the meeting and, after stressing the gravity of the situation, suggested that "in order to give time to other delegations as well to receive their instructions" he would have no objection if the Council wished to adjourn after hearing his delegation.

The representative of Czechoslovakia noted that during the consultations with the President earlier that day, his delegation had expressed objection to the holding of a meeting in the afternoon, recalling his delegation's view that to discuss a matter as serious as the one proposed for consideration, full knowledge of the facts was necessary. Since the Council was then in possession of only one version of the incident, his delegation doubted the utility of starting a debate at that stage.

Supporting the United States suggestion, the representative of the United Kingdom stated that some members of the Council might, if in need of further information, find it helpful to hear the statement the United States representative proposed to make.

The representative of the USSR indicated that if the United States should insist, his delegation was prepared to participate in the meeting and wished the name of his delegation to be put on the list of speakers to

address the Council after the representative of the United States. After noting the view of the representative of the USSR, the President (Norway), suggested that the Council should proceed to the adoption of its agenda. The representative of Czechoslovakia reaffirmed his objection to the holding of the meeting, noting that it would participate in the meeting only because all other members had agreed that a meeting should take place. Thereupon the President observed that he had taken note of the objection and that there being no further comments in regard to the provisional agenda, he declared the agenda adopted.²

CASE 2

At the 1142nd meeting on 8 August 1964, in connexion with the complaint by the Government of Cyprus, the Security Council adjourned at the suggestion of the President (Norway) for the purpose of consultation among members of the Council and the parties concerned on further procedure to be followed at the resumed meeting. When the Council resumed the meeting after midnight, the President reported that no consensus had been reached during the informal consultations. He therefore suggested that members of the Council and representatives of the parties concerned remain available for an early meeting of the Council, the time of which was to be determined by the availability of the Secretary-General's report and the termination of the communication difficulties that some of the parties had experienced.

The representative of Cyprus, * noting that it was as yet uncertain as to when the report would be ready, stated that "we cannot allow the results of the meeting to depend upon the availability of the report". He suggested that the next meeting be held later that same morning or afternoon, regardless of whether or not the report would then be available. His suggestion was supported by the representatives of the USSR and Czechoslovakia. The representative of France suggested that if the President so desired, a meeting could be held late that morning, whereupon the President stated that he would remain available to the members and the parties to the dispute and would take into consideration the comments made by members with regard to the holding of the next meeting.³

CASE 3

Towards the conclusion of the 1194th meeting on 30 April 1965, in connexion with the situation in Southern Rhodesia, the President (Jordan) proposed that the next meeting be held in the afternoon of 3 May 1965. The representative of Senegal * suggested that in view of the urgency of the situation in Southern Rhodesia, the meeting should be held in the morning rather than the afternoon of 3 May.

The President thereupon stated that the matter fell within the competence of the President of the Council for May (Malaysia), and invited the representative of Malaysia to state his views. The representative of Malaysia supported the President's suggestion to convene the meeting in the afternoon of 3 May. Following

² For texts of relevant statements, see 1140th meeting: President (Norway), paras. 26, 32; Czechoslovakia, paras. 16-18, 29, 31; USSR, paras. 6-10, 25; United Kingdom, paras. 22, 24; United States, paras. 11, 15.

³ For texts of relevant statements, see 1142nd meeting: President (Norway), paras. 177, 178-180, 189; Cyprus,* para. 181; Czechoslovakia, para. 186, France, para. 187; USSR, para. 184.

a statement by the representative of the Ivory Coast, which supported the proposal made by the representative of Senegal, the President proposed, and the Council agreed, that if any members were prepared to address the Council in the morning of 3 May, the Council would meet in the morning. Otherwise, the President of the Council for the month of May would inform members of the time of the next meeting.⁴

CASE 4

At the 1208th meeting on 14 May 1965, in connexion with the situation in the Dominican Republic, the President (Malaysia) explained the circumstances in which the meeting had been called. He indicated that a telegram purporting to be sent by the Foreign Minister of the Dominican Republic had been received after the adjournment of the previous meeting. After reading the text of the telegram, which drew attention to a serious situation in Santo Domingo, the President stated that following consultations with some Council members, it was felt that the Council should take some urgent measures by meeting earlier than the afternoon of that day, as agreed upon at the previous meeting. Circumstances, however, did not permit a meeting earlier than the time set for the current meeting.⁵

CASE 5

At the end of the 1231st meeting on 22 July 1965, in connexion with the situation in the Dominican Republic, the President (USSR) announced after hearing the views of members that it was the sense of the Council that its next meeting should be held on Monday the following week. He added that "in accordance with the Council's previous decisions and established practice, a decision to meet at that time will not mean . . . that the Council cannot be convened before then by the President if developments outside our present knowledge so require". He therefore requested the members to be within reach during the week-end so that he would not be put in a position of "being unable to unearth certain members in order to come to a decision to convene a meeting of the Council", despite the obligation of members to remain close to the Headquarters of the United Nations.⁶

CASE 6

At the 1237th meeting on 4 September 1965, in connexion with the India-Pakistan question, the President (United States) observed that members of the Council had been informed of the calling of the meeting in the following terms:

"Consultations by the Secretary-General and the President of the Security Council with members of the Council have revealed a general desire that the Security Council be convened promptly to consider, in the light of the Secretary-General's appeal for a cease-fire, the serious conflict now taking place in Kashmir. Since, under the circumstances, a meeting is necessary, I have, as Security Council President, called a meeting of the Council for 3 p.m. today, 4 September."

⁴ For texts of relevant statements, see 1194th meeting: President (Jordan), paras. 130, 132, 136; Ivory Coast, para. 135; Malaysia, paras. 133-134; Senegal,* para. 131.

⁵ For text of the relevant statement, see 1208th meeting, paras. 2-4.

⁶ 1231st meeting, paras. 41-44.

In justifying the calling of the meeting, the President referred to the provisions of rules 1, 2 and 3 and to the report of the Chairman of the Committee of Experts of 5 February 1946⁷ on amendments to the provisional rules of procedure in which the Chairman of the Committee stated that the new wording then adopted for the rules would leave the President with the power of calling a meeting under various circumstances, including one "when he deems it necessary". He also referred to the manner in which the President had called the 847th meeting on 7 September 1959,⁸ as a precedent. In the early part of July, he further stated, the President of the Security Council (USSR) asked for a meeting to be convened on the basis of a telegram from Mr. Jottin Cury, in connexion with the situation in the Dominican Republic, which had never been transformed into a formal request by any Council or United Nations member. It would appear to him that the President of the Council at that time was convening the meeting "on the basis of his judgment as President". He recalled that as members of the Council were willing to meet, although not on an urgent basis, the meeting was convened, "without a change in the underlying circumstances", some days later, on 20 July 1965 (1229th meeting).

Speaking on the meeting in progress, he noted that time had not permitted to advise all Council members in advance of the exact hour of the meeting, although they had been requested earlier to be available for the meeting that was scheduled to be called for that day.

The representative of the USSR, contending that the manner in which the meeting had been convened was a violation of the rules of procedure, stated that meetings cannot be convened anonymously, and that rule 1 was linked with rules 2 and 3, because, otherwise, the provisions contained in the two latter rules would not make sense. He then stated:

"Thus, the words which you cited from rule 1 to the effect that the President may call a meeting of the Security Council at any time he deems necessary can be interpreted in only one way: it is the President who, by virtue of the discretionary powers vested in him, has in the final analysis the exclusive right to decide the time when a meeting of the Council should be called. If we take a different position and do not regard rule 1 as dealing solely with the right of the President of the Council to decide the time when the Council should be convened, then rules 2 and 3 lose their significance . . ."

With regard to the President's remarks on the convening of a meeting by the President for the month of July (USSR), the representative of the USSR noted that the case did not prove anything, for during the consideration of the situation in the Dominican Republic, the Council agreed each time after the end of its debate, that the President "would convene the Council whenever circumstances warranted or when any member of the Council so requested". While in the case of the situation in the Dominican Republic, the Council empowered its President in advance to act in that manner, "no such authorization was given to the President by the Council" with regard to the matter then before the Council. On the report of the Chair-

⁷ For entries on the report of the Committee, see *Repertoire of the Practice of the Security Council, 1946-1951*, chapter I, part I, Cases 1 and 2.

⁸ For entries on this meeting, see *Repertoire of the Practice of the Security Council, Supplement 1959-1963*, chapter I, part I, Cases 1 and 5.

man of the Committee of Experts cited by the President, the representative of the USSR observed:

"... I am bound to say that, generally speaking, when we have to be guided by as strict and specific a document as a set of rules of procedure, we must follow the provisions of those rules and not some explanation which may have been given after their adoption by one of those who drew them up. Therefore, from a legal point of view, the reference to the statement by the Chairman of the Committee which drafted the rules of procedure neither adds to the rules nor detracts from them. Thus, everything said in this regard remains valid."

The representative of Malaysia, disputing the interpretation given by the representative of the USSR, maintained that rules 1 and 2 were mutually exclusive. He indicated that the word "necessary" in rule 1 was "appropriate to the calling of the meeting and not to the timing of the meeting".

The representative of the United Kingdom said that under rule 1 the President had general discretionary powers. Rule 2 did not cancel rule 1, nor would it "detract from it or supersede it in any way". Rules 2 and 3 were separate and distinct, "and set out the circumstances in which the President is required or obliged to call a meeting of the Council".

The representative of China, supporting the manner in which the meeting had been called, stated:

"Even if we start from the premise that there is a relationship between these three rules, let us remember that the President of the Security Council is, at the same time, a member of the Council. In ordinary circumstances, if a member of the Council wants to request a meeting, he goes to the President, and then the President consults with the other members. But when the member happens to be the President himself, he has nobody to go to except himself."

He added that the fact that a member of the Council happened to be the President did not vitiate his right as a member to initiate the meeting. In his view, "the meeting of the Council has been convened in the name of the President and as a prerogative of the President, but it is the inherent right of a member to initiate a meeting".

The representative of Jordan stated that while his delegation reserved its position with regard to the interpretation of the rules of procedure and their applicability in such cases, it accepted, in the present instance, the convening of the meeting in the manner in which it had been called.⁹

CASE 7

At the 1241st meeting on 18 September 1965, in connexion with the India-Pakistan question, the President (United States) stated that since members of the Council wished to have more time to consult their Governments on the nature of action the Council should take, he proposed to adjourn the meeting overnight to enable members to have the necessary consultations. He then proposed, and the Council agreed, that the Council should convene informally the next morning, and then "convene . . . formally at such time

⁹ For texts of relevant statements see 1237th meeting: President (United States), paras. 9-10; China, paras. 49-51; Jordan, paras. 52-53; Malaysia, paras. 40-43; USSR, paras. 17-19, 22-23, 26-30; United Kingdom, paras. 45-47.

as our consultations disclose it would be fruitful and advisable to do so".¹⁰

CASE 8

At the 1250th meeting on 4 November 1965, in connexion with the situation in Territories in Africa under Portuguese administration, the representative of Portugal * suggested that his delegation should, equitably, be given the time to prepare an answer to the accusations made before the Council and that the Council might therefore then adjourn and meet again on Monday of the following week. The President (Bolivia), after stating that the Council was to meet the next day to consider a different agenda item, as had been previously agreed upon, said:

"In the course of tomorrow's meeting I shall also consult all members of the Council in order to determine at what time and on what date we shall resume consideration of the problem of the territories under Portuguese administration."¹¹

CASE 9

At the end of the 1256th meeting on 11 November 1965, in connexion with the situation in Territories in Africa under Portuguese administration, the President (Bolivia) informed the Council of a request from the representative of the United Kingdom for an urgent meeting to discuss the situation in Southern Rhodesia and of the consultations he had held with Council members to set the time for the meeting on that question. He stated that even though some delegations favoured holding a meeting the next morning, no final decision had been reached because not all members of the Council had replied to his inquiries. After an exchange of views regarding the appropriate time for holding the proposed meeting, the President announced that the Council would meet the next morning "unless unforeseen circumstances oblige the President to advance the time of [the] meeting".¹²

CASE 10

At the 1266th meeting on 22 November 1965, in connexion with the situation in Territories in Africa under Portuguese administration, the President (Bolivia) reported that he had unofficially consulted members of the Council on the date and time for the next meeting. He noted that although some members favoured holding the next meeting the following morning, he would suggest holding it the same afternoon in view of the fact that certain Foreign Ministers planned to leave that day.

Following a discussion on the suggestion in which the representatives of the Ivory Coast, Jordan, Netherlands, United Kingdom and the USSR took part, the President noted that the majority of the members appeared to be in favour of his suggestion, and declared that the next meeting would be held the same afternoon.¹³

¹⁰ 1241st meeting, para. 182.

¹¹ For texts of relevant statements, see 1250th meeting: President (Bolivia), paras. 141-142; Portugal, * paras. 139-140.

¹² For texts of relevant statements, see 1256th meeting, paras. 114-115, 141.

¹³ For texts of relevant statements, see 1266th meeting: President (Bolivia), paras. 45, 48, 50, 52, 55, 58; Ivory Coast, paras. 51, 57; Jordan, para. 53; United Kingdom, para. 49; USSR, para. 54.

b. Rule 2

CASE 11

Following the opening of the 1220th meeting on 3 June 1965, in connexion with the situation in the Dominican Republic, the President (Netherlands) explained the circumstances under which he had called the Council meeting. He recalled that at its previous meeting the Council had agreed to the President's suggestion that he should consult the Council members with a view to calling a future meeting forthwith if any member of the Council should consider it desirable or necessary. The day before the meeting, the President noted, he had received a request from the representative of the USSR to call an urgent meeting of the Council in the course of which he would, in particular, take up the question of the two telegrams which the President had received from Mr. Jottin Cury, asking for the dispatch of the Human Rights Commission to the Dominican Republic. In the consultations that he had held with the Council members, the President further stated, the majority of members had not considered the telegrams from Mr. Jottin Cury as constituting a *prima facie* matter for the Security Council to deal with, although they would not object to a meeting if any member of the Council should so insist. There had been, furthermore, some disagreement on the timing of the meeting. In further consultations that had followed, the representative of the USSR had confirmed his request to have a meeting for that day. "Since there were no objections", the President added, he had called the meeting "in accordance with rule 2 of the provisional rules of procedure."¹⁴

c. Rule 5

CASE 12

At the 1225th meeting on 16 June 1965, in connexion with the situation in the Dominican Republic, the representative of the USSR proposed that in view of the prevailing circumstances the Security Council should meet in Santo Domingo, capital of the Dominican Republic. In so doing, he drew attention to Article 28, paragraph 3, of the Charter, which provides that the Council "may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work". He added that there could be no doubt that the holding of Council meetings in Santo Domingo "would contribute to the effectiveness of its work and would enable all the Council's members to gain direct knowledge of the situation on the spot". It would also make it possible for the Council "to hear all those whom it deems it advisable to hear and who could provide it with useful information".

The representative of the United States argued in opposing the proposal that it was "a most novel and unprecedented idea that the Security Council should itself hold sessions in various parts of the world where situations have arisen with which it is concerned". He added that had the Council in the past followed the practice of meeting in the various parts of the world because the situation was grave, it would have been on the road practically all the time and would have been unable to devote its attention to its normal duties.

At the 1226th meeting on 18 June 1965, the representative of Jordan supported the USSR proposal. He noted that the proposal, which "falls within the pro-

¹⁴ 1220th meeting, paras. 8-11.

visions of Article 28, paragraph 3 of the United Nations Charter and rule 5 of the provisional rules of procedure", reminded members that the Council did in the past meet, in certain circumstances, away from the Headquarters, as had been the case with the Paris meetings in 1948 and 1951. He stated that the USSR proposal was "in accord with the genuine intentions expressed in this Council for the strengthening of the authority of the Security Council with regard to the present situation in the Dominican Republic", and "could also produce a new stabilizing element which could help to reduce the mounting tension among the Dominicans and demonstrate to them the deep concern of the Security Council".

The representative of the United States, reiterating his delegation's objection to the holding of Council meetings in Santo Domingo, stated:

"We are . . . well aware of the provisions both of Article 28, paragraph 3, of the United Nations Charter, and of rule 5 of the provisional rules of procedure of this Council. We are aware that meet-

ings were held in Paris in 1948 and 1951 when the General Assembly was meeting there and it was convenient for the Council to do likewise. We are here not concerned with the legality of holding a series of meetings of the Council at a site other than the Headquarters, but with the practicalities and the political implications."

He then indicated various factors which his delegation thought would in practice militate against the USSR proposal, including the view that the holding of Council meetings in Santo Domingo would result in inflaming, rather than calming, political passions and would presuppose that the Council would take away from the Organization of American States (OAS) certain of its responsibilities for the settlement of the Dominican conflict.

The Council did not further discuss the USSR proposal and no decision was taken thereon.¹⁵

¹⁵ For texts of relevant statements see 1225th meeting: USSR, paras. 106-109; United States, paras. 111-112; 1226th meeting: Jordan, paras. 30-31; United States, paras. 68-70.

Part II

REPRESENTATION AND CREDENTIALS (RULES 13-17)

NOTE

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

In one instance during the period under review, the Secretary-General notified the Council of steps taken to correct an error in a name plate that had been placed at the Security Council table and in the monthly listing of Permanent Missions to the United Nations (Case 13). In another instance the Council was informed that the Secretary-General did not have sufficient information at that stage of the development of the question being considered as to the adequacy of the provisional credentials submitted by contending authorities of a Member State (Case 14). On one occasion the Secretary-General stated in reply to an observation made by a member, that he would take the necessary steps to make the listing of United Nations delegations conform to his previous statement regarding the credentials of the representative of a Member State (Case 15).

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

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

CASE 13

At the 1121st meeting on 25 May 1964, in connexion with the complaint by Cambodia, the representative of the Secretary-General noted that he had been directed by the Secretary-General to state that the Secretary-General had inquired into the question of the inscription of the word "Viet-Nam" on a name plate placed by the Secretariat at the Security Council table, to which the representative of the USSR had drawn attention at the last meeting.

The Secretary-General regretted that through inadvertence the inscription of the word "Viet-Nam" on the name plate as well as in the "blue book"¹⁶ to which the President of the Council had drawn attention "do[es] not correspond with the policy of the Secretariat". This policy, which was in accordance with rules laid down in the terminology bulletin had been to refer to the Republic of Viet-Nam by its full name and to regard it, for seating purposes, as coming under the letter "R". The policy laid down by the terminology bulletin regarding the Republic of Viet-Nam had been followed not only in regular United Nations documentation but also in all multilateral conventions concluded under United Nations auspices.

The representative of the Secretary-General then concluded: "In view of the foregoing, any designation other than 'Republic of Viet-Nam' is unofficial, and the Secretary-General has given instructions that the necessary changes be made in the name plate used in this Council and in the monthly 'blue book'."¹⁷

CASE 14

At the 1207th meeting on 13 May 1965, in connexion with the situation in the Dominican Republic, the Secretary-General reported on the various communications he had received from both the "Constitutional Government" and the "Government of the National Reconstruction" in regard to the representation of the Dominican Republic in the United Nations. After indicating the contents of those communications, the Secretary-General stated:

"From the statements which have been made in the Security Council and the communications

¹⁶ Publication issued monthly by the United Nations Secretariat listing the names of members of Permanent Missions to the United Nations as well as non-member States maintaining permanent observers' offices at the United Nations Headquarters.

¹⁷ For text of the relevant statement, see 1121st meeting, paras. 2-3.

received from the Organization of American States concerning the Dominican Republic, it is apparent that the situation in that country is far from clear as to which of the contending authorities constitutes the Government of the country. Furthermore, there is no information available as to which of the contending authorities is regarded as the Government by a majority of States Members of the United Nations.

"In the light of the circumstances mentioned above, I feel that at this stage I do not have sufficient information to formulate any opinion as to the adequacy of the provisional credentials which have been submitted."¹⁸

CASE 15

At the 1227th meeting on 18 June 1965, in con-

¹⁸For text of the relevant statement, see 1207th meeting, paras. 14-22.

nexion with the situation in the Dominican Republic, the representative of the USSR remarked that the latest listing of United Nations delegations included the name of Mr. Velasquez, who was listed as "the representative of the Dominican Republic", as well as those of other persons "who are not empowered to represent the Dominican people". He added that since Mr. Velasquez had been heard by the Council as a private individual, the necessary steps should be taken to remove those names from the listing.

The Secretary-General stated that the Secretariat would take the necessary steps, in conformity with his previous statement regarding the credentials of the permanent representative of the Dominican Republic.¹⁹

¹⁹For texts of relevant statements, see 1227th meeting: USSR, paras. 100-101; Secretary-General, para. 103.

Part III

PRESIDENCY (RULES 18-20)

NOTE

Part III of this chapter is confined to proceedings of the Council directly related to the office of the President. During the period under review, there were no cases of special application or interpretation of rule 18, on the rotation of the presidency, and of rule 20, on the temporary cession of the chair. The material assembled in this section is concerned with rule 19 and covers instances in which the President has been asked to take certain measures on behalf of the Council (Cases 16 and 19), to formulate the wish of the Council in meeting the exigencies of a particular situation (Cases 17 and 18), and to state the consensus of the Council with regard to certain measures proposed (Cases 20 and 21). For other instances related to the summing up of views of Council members, chapter VIII should be consulted.²⁰ Material relevant to the exercise by the President of his functions in connexion with the agenda is dealt in chapter II. The exercise of presidential functions in the conduct of a meeting is reflected in the material included in part V of this chapter.

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

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

Rule 19

CASE 16

At the 1086th meeting on 10 January 1964, in connexion with the complaint by Panama against the United States, the representative of Brazil proposed, and the Council approved, that the President (Bolivia) be authorized "to address an appeal to the Governments of the United States of America and of Panama to bring to an immediate end the exchange of fire and bloodshed now occurring and to request that they impose the utmost restraint over the military forces

under their command and to protect the civilian population".²¹

CASE 17

At the 1140th meeting on 5 August 1964, in connexion with the complaint by the United States (Tonkin Gulf incident), the representative of France noted that in line with the Charter and the tradition of the Council, his delegation considered it appropriate that a representative of the Democratic Republic of Viet-Nam be invited, as a matter of urgency, to participate in the debate of the Council without vote. He further noted, however, that it would be preferable, on the basis of numerous precedents, to entrust the President with the task of taking action on any wish that the Council might express, without voting on a resolution,²² the terms of which might give rise to a controversy and tend to prolong debate unnecessarily.²³

The President (Norway) stated in reply:

"If it is the desire of the members of the Council that the President consult with them informally on the basis of the proposal made by the representative of France, and in the light of the comments thereon offered by the representatives of the Soviet Union and the United States, naturally the President will attempt to undertake such informal consultations."

He added that if the Council wished to follow the same procedure with regard to its next meeting, he

²¹For text of the relevant statement, see 1086th meeting, para. 59 and for text of the telegram dated 11 January 1964 from the President of the Security Council to the Minister of Foreign Affairs of Panama and the Secretary of State of the United States, see S/5519, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, p. 35.

²²In the course of the debate the Council had before it a draft resolution, submitted by the representative of the USSR, which would (i) request the President of the Security Council to ask the Government of the Democratic Republic of Viet-Nam to supply the Council urgently with the necessary information relating to the United States complaint; and (ii) invite the representatives of the Government of the Democratic Republic of Viet-Nam to take part without delay in the Council meetings. S/5851. For full text, see 1140th meeting, para. 73.

²³1140th meeting, paras. 88-91.

²⁰See chapter VIII, pp. 100, 102, 106, 116, 118, 151, 152, for instances.

would, barring unforeseen and unexpected developments, not call any meeting for the next day as that would inconvenience some members of the Council. The President's suggestion was accepted by the Council.²⁴

CASE 18

At the 1141st meeting on 7 August 1964, in connexion with the complaint by the United States (Tonkin Gulf incident), the President (Norway) recalled that it was agreed at the previous meeting that he should hold informal consultations with members of the Council on the basis of the proposals made by the representative of France and in the light of comments thereon made by the representatives of the USSR and the United States. It was also agreed that he should report the outcome of those consultations to the Council. The President thereupon reported that members of the Council had reached the following general understanding:

"The Security Council, for its further consideration of the complaint against the Democratic Republic of Viet-Nam referred to in the letter dated 4 August 1964 from the Permanent Representative of the United States of America to the President of the Security Council, would welcome such information relating to this complaint as the Democratic Republic of Viet-Nam would desire to make available to the Council, either through taking part in the discussion of the complaint in the Council, or in the form which it might prefer. Furthermore, the Security Council would receive in the same manner such information relating to the complaint as the Republic of Viet-Nam would desire to make available to the Council."

The President also noted that since that aspect of the matter had been settled, he would "arrange for the Secretariat to communicate without delay the contents of this general understanding to the Democratic Republic of Viet-Nam as well as to the Republic of Viet-Nam".²⁵

CASE 19

At the 1143rd meeting on 9 August 1964, in connexion with the complaint by the Government of Cyprus, the representative of the Ivory Coast called attention to the increasingly grave situation developing in Cyprus, and proposed that the Council empower the President to make an immediate appeal to Turkey to put an end forthwith to the bombardment of Cyprus and suspend all military measures against Cyprus, and to call on the Government of Cyprus to order an immediate cease-fire pending the adoption by the Council of a final decision on the matter. In response to this suggestion, the President (Norway) stated that he felt sure all members of the Council would want him to issue the appeal suggested, and that he would outline the appeal as follows: "To the Government of Turkey: to cease instantly the bombardment and use of military force of any kind against Cyprus; to the Government of Cyprus: to direct the armed forces under its control to cease firing immediately." He then requested the representatives of Cyprus and Turkey "to see to it that this appeal is immediately trans-

mitted to their respective Governments", adding that he would arrange to have the Secretariat in the same manner transmit the appeal in his name. The Council at the same meeting approved the appeal to the two Governments as formulated by the President.²⁶

CASE 20

At the continued 1143rd meeting on 11 August 1964, in connexion with the complaint by the Government of Cyprus, the representative of Ivory Coast suggested that at the end of the debate, pending a final decision on the matter, the President make a summary expressing the Council's desire that the parties concerned fully comply with the Council's resolution of 9 August 1964, in particular with its provision calling for suspension of all flights over the territory of Cyprus.

The President (Norway) in a comment on this suggestion noted that if he were to make the summary suggested, he would limit it to what in his view "represents the views of the members of the Council and the parties who have spoken". He added subsequently that considering the number of parties to whom the resolution of 9 August 1964 had been addressed, the appeal would not be addressed to the parties individually, but would be formulated as follows: "I hereby on behalf of the Council, issue an appeal for a scrupulous observation in full, without reservation, of the provisions of the resolution adopted by the Security Council on 9 August 1964".

The representative of Ivory Coast thereupon specified that what he had suggested was that the President address his appeal to all the parties concerned to comply with the Council's resolution and to stop the flights over the territory of Cyprus.

The representative of the USSR remarked that the suggestions formulated by the President were by no means "procedural, but had political content" and wondered whether the President was speaking in his capacity as the representative of Norway or as President of the Council. As a representative of Norway he was entitled to submit any proposal of a political nature that he would like the President of the Council to formulate on behalf of the Council; such formulation would be subject to the Council's agreement. The President had, however, despite the provisions of rule 19, suggested some formulations which "went beyond the limits" of the question as placed before the Council at that meeting.

The President replied that he had not spoken as the representative of Norway, and although he had ventured to outline his views on the summary and the appeal, he had made no proposals. He added: "I would have felt it to go beyond the purview of the office of the President were I to make proposals, not to speak of issuing such an appeal without having fully informed the members of the Council what the appeal would contain."

Following a suspension of the meeting, the President summed up the consensus of the members.²⁷

²⁶ For texts of relevant statements, see 1143rd meeting, President (Norway), paras. 13-14; Ivory Coast, paras. 6-12.

²⁷ For the text of the statement of the President, see chapter VIII, p. 118. For texts of relevant statements see 1143rd meeting: President (Norway), paras. 293, 310, 327, 358; Ivory Coast, paras. 269, 311; USSR, paras. 314-315.

²⁴ *Ibid.*, paras 106-109.

²⁵ For text of the relevant statement, see 1141st meeting, paras. 22-23.

CASE 21

At the 1227th meeting on 18 June 1965, in connexion with the situation in the Dominican Republic, the President (Netherlands) stated that in response to a suggestion made by the representative of Uruguay,²⁸ he was to make a statement setting forth "some points of agreement which emerge from our last round of discussions, in particular with regard to some concrete suggestions made by some members". In so doing, he added, he was to confine himself "to those concrete points on which a study of the remarks made in the debate shows a certain degree of unanimity".

Following the statement by the President, the representative of the USSR indicated that the President's statement could not be considered as expressing the consensus of the Council members, adding that

"... it is generally known that in the practice of the Security Council there is a strict rule that, before the President does any summing-up on behalf of the members of the Council or the Council

²⁸ 1226th meeting, para. 102.

as a whole, consultations should be held with all the members of the Council."

Such consultations, he noted, had not been held, and the President's statement did not, therefore, reflect the opinion of all the members of the Security Council.

The President in his reply drew attention to the fact that he had been given about two and one half hours between the time he was asked to present a summary on certain points expressed by members and the time of the convening of the current meeting, and that within that time-limit, it would have been impossible for him to have extensive consultations with all the members.

Following a suggestion by the representative of France, the Council decided to suspend the meeting for a brief period in order to study the President's statement and to enable members to consult one another.²⁹

²⁹ For texts of relevant statements, see 1227th meeting: President (Netherlands), paras. 16-17, 40, 67; France, para. 53; USSR, paras. 35-36.

Part IV

SECRETARIAT (RULES 21-26)

NOTE

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

Material for proceedings under rule 22 is divided into two categories: (i) the first category contains proceedings³⁰ relating to the activities of the Secretary-General which appear to fall under Article 98 of the Charter in so far as it provides that the Secretary-General "shall perform such other functions as are entrusted to him" by the Security Council; (ii) in the second category are included proceedings³¹ by virtue of their possible relation to Article 99.

The statements of the Secretary-General included in the first category under rule 22 were made in connexion with the mandate conferred upon by the Council to report or to implement specific decisions of the Security Council.

The views of the Secretary-General on the applicability and/or interpretation of specific Articles of the Charter are reflected in the material assembled in chapter XI.³² His views having a bearing on credentials of representatives on the Council are reflected in entries under part II of this chapter.

Within the period under review, the Secretary-General has been asked or authorized (i) to establish the composition and size of a United Nations Peace-keeping Force in Cyprus, in consultations with the Governments of Cyprus, Greece, Turkey and the United Kingdom; to appoint the Commander of the Force who was to report to him; to accept voluntary contributions for defraying the costs of the Force; to designate a mediator, in agreement with the Govern-

ments of Cyprus, Greece, Turkey and the United Kingdom, who was to use his best effort to promote a peaceful solution and agreed settlement of the problem confronting Cyprus and to report periodically to the Secretary-General; and to provide from the United Nations funds, remuneration and expenses of the mediator and his staff³³ (ii) to press on with his efforts to implement resolution 186 (1965), part of whose provisions are enumerated above;³⁴ (iii) to keep the Council informed regarding the compliance of parties concerned with a Council resolution;³⁵ (iv) to use his good offices to try to settle outstanding issues with the parties concerned in connexion with the question of Yemen;³⁶ (v) to follow closely the implementation of a Council resolution adopted in connexion with the question of race conflict in South Africa;³⁷ (vi) to consider what assistance the United Nations may offer to facilitate consultations amongst representatives of all the people of South Africa, in order that they might be enabled to decide the future of their country at the national level; and to establish, in consultation with appropriate United Nations specialized agencies, an educational and training programme for the purpose of arranging for education and training abroad for South Africans;³⁸ (vii) to follow the situation in the Congo and to report thereon to the Security Council;³⁹ (viii) to send a representative to the Dominican Republic to report to the Security Council on the situation there;⁴⁰ (ix) to convey to his representative in Santo Domingo the desire of the Council that his urgent efforts should be devoted to the immediate securing of a suspension of

³³ Resolution 186 (1964), operative paras. 4, 6, 7 and 8.

³⁴ Resolution 187 (1964), operative para. 2.

³⁵ Resolution 194 (1964), operative para. 4.

³⁶ Resolution 188 (1964), operative para. 5.

³⁷ Resolution 190 (1964), operative para. 3.

³⁸ Resolution 191 (1964), operative paras. 5-6 and 11.

³⁹ Resolution 199 (1964), operative para. 7.

⁴⁰ Resolution 203 (1965), operative para. 2.

³⁰ Cases 22-26.

³¹ Cases 27-30.

³² Chapter XI, Case 4.

hostilities, with a view to facilitating the humanitarian work of the Red Cross to search for the dead and the wounded;⁴¹ (x) to report on the implementation of a resolution requesting that the suspension of hostilities in Santo Domingo be transformed into a permanent cease-fire;⁴² (xi) to follow the development of the situation concerning alleged violations of Senegalese territory by Portuguese military forces;⁴³ (xii) to report within three days on the implementation of a Council resolution in connexion with the India-Pakistan question;⁴⁴ (xiii) to exert every possible effort to give effect to certain Council resolutions, in connexion with the India-Pakistan question, and to take all measures possible to strengthen the UNMOGIP and to keep the Council promptly and currently informed on the implementation of the resolutions;⁴⁵ (xiv) to ensure supervision of the cease-fire and withdrawal of all armed personnel and to exert every possible effort to give effect to the resolution, to seek peaceful solution, and to report to the Security Council thereon;⁴⁶ (xv) to ensure the implementation of a Council resolution in connexion with the situation in the Territories in Africa under Portuguese administration and to provide such assistance as he may deem necessary and to report to the Security Council by a certain date.⁴⁷

Rule 23 has not been invoked during the period under review. Material assembled under rule 24 indicates the extent to which the Secretary-General has been requested to provide the staff and facilities required for the implementation of Council resolutions.

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

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

a. (i) Rule 22

CASE 22

At the 1102nd meeting on 4 March 1964, in connexion with the complaint by the Government of Cyprus, the Secretary-General stated that since the draft resolution under consideration⁴⁸ would, among other things, call on the Secretary-General to undertake certain responsibilities, he thought that it would have been appropriate and helpful to the Council if he indicated his own thinking on the nature and exercise of those responsibilities.

As he had earlier observed, the Secretary-General stated,

"... the creation of a United Nations peace-keeping force for Cyprus could only come about by positive action of this Council. This action, as the draft resolution specifies, obviously must be pre-

⁴¹ Decision taken at the 1212th meeting (19 May 1965), para. 208.

⁴² Resolution 205 (1965), operative para. 2. By a decision taken by the Council at its 1233rd meeting on 26 July 1965, the Secretary-General was requested to continue submitting reports on the situation in the Dominican Republic. See 1233rd meeting, para. 2.

⁴³ Resolution 204 (1965), operative para. 4.

⁴⁴ Resolution 209 (1965), operative para. 4.

⁴⁵ Resolution 210 (1965), operative para. 2.

⁴⁶ Resolution 211 (1965), paras. 2 and 5. Subsequently, in resolution 215 (1965) operative para. 4, the Secretary-General was requested to submit a report on compliance with the Council resolution.

⁴⁷ Resolution 218 (1965), operative para. 8.

⁴⁸ S/5571, text same as S/5573, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 102-103.

dictated upon the consent of the Government of Cyprus, on whose territory the force would be deployed. The draft resolution, in its operative paragraph 4, asks the Secretary-General to establish the composition and size of the force in consultation with the Governments of Cyprus, Greece, Turkey and the United Kingdom. In this regard, it would be my intention, in accordance with well-established practice concerning previous United Nations peace-keeping forces, to keep the Security Council, which would authorize its establishment, promptly and fully informed about the organization and operation of the force, including its composition, size and command. On the basis of preliminary soundings that I have taken, without, of course, having made any commitments, I may inform the Council that although the problem of composition is delicate and difficult because of the indicated limitations on the range of choice, I very much hope that a force such as is envisaged by this draft resolution, and of adequate size, can be achieved.

"I might point out also that in recruiting troops for this force, I would emphasize on the basis of operative paragraph 6 that the force, unlike the peace-keeping forces in Gaza and the Congo, would have a fixed and firm duration of three months. The force thus could be extended beyond three months only by a new action by this Council. I would also draw attention to the provision in paragraph 6 for meeting the cost of the force which is not to be charged against United Nations revenues. In this context I would particularly like to call attention to the last sentence of operative paragraph 6 which states that: 'The Secretary-General may also accept voluntary contributions for that purpose,' and strongly express the hope that substantial contributions of this nature will be forthcoming since it is already apparent that some appropriate States might more readily provide contingents were it not for the extra financial burden upon them called for by the cost provision of the draft resolution.

"I am, of course, also giving thought to the question of the mediator which the draft resolution would call upon me to designate in agreement with the four Governments, and I would expect to be prepared to act quickly on this, in accordance with operative paragraph 7 of the draft resolution, once the resolution is adopted."

The Secretary-General concluded:

"... although the responsibilities for the Secretary-General foreseen by the draft resolution are serious, they do not differ substantially from past experience and I have no hesitation in undertaking them. I count heavily, of course, on the co-operation of the Government of Cyprus and of the other Governments mentioned in the draft resolution, for their whole-hearted co-operation and assistance are vital to the effective implementation of the resolution."⁴⁹

CASE 23

At the 1103rd meeting on 13 March 1964, in connexion with the complaint by the Government of Cyprus, the Secretary-General reported to the Council on the progress in the establishment of the United Nations Peace-keeping Force in Cyprus. He noted that

⁴⁹ 1102nd meeting, paras. 20-24.

he had received firm and official assurances from three of the Governments he had approached that their contingents would be made available. "With regard to each of these Governments," he stated, "certain conditions and prerequisites were defined which either have been met," or which in his view, could be coped with. Under the circumstances, he could report to the Council that "the Force will be established without further delay and that elements of it will soon be deployed in Cyprus". He had, in the meantime, received a communication⁵⁰ through the Permanent Representative of Turkey concerning recent developments in Cyprus. With regard to this communication, he noted:

"I immediately requested the Permanent Representative to convey to his Government my serious concern and my urgent appeal to exercise the utmost restraint. A formal reply to his communication has also been sent."⁵¹

CASE 24

At the 1135th meeting on 18 June 1964, in connexion with the question of race conflict in South Africa, the Secretary-General called attention to the financial implications of the resolution before the Council. He noted that the operative paragraph calling on the Secretary-General to establish, in consultation with the appropriate specialized agencies, an educational programme for the purpose of arranging for education and training abroad for South Africans might entail the need for additional funds, the size of which could only be determined after the required programme had been drawn up. In the absence of any provision in the Organization's budget for 1964, he would seek the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions to meet the additional expenses referred to.⁵²

CASE 25

At the 1208th meeting on 14 May 1965, in connexion with the situation in the Dominican Republic, the Secretary-General stated that in accordance with the resolution⁵³ which had just been adopted, he needed only to say that he would carry out the wishes of the Council as quickly as possible. He added:

"I shall, of course, keep the Security Council informed about the steps which I will be taking. The difficulties in carrying out this mandate are apparent, and I need not elaborate upon them. I expect to receive full co-operation from all those concerned

⁵⁰ In this communication the Government of Turkey indicated, *inter alia*, that in view of the repeated attacks on the Turkish community in Cyprus, it had requested the Government of Cyprus, *inter alia*, to put an end to such attacks and to bring about an immediate cease-fire all over Cyprus; and that if that request was not complied with, the Government of Turkey would send a force to the island, in exercise of its right under the Treaty of Guarantee of 1960, which would have the limited task of putting an end to the attacks on Turkish community, and which would operate until the proposed United Nations peace-keeping force could effectively perform the functions entrusted to it. S/5596, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 135-138.

⁵¹ For text of relevant statement, see 1103rd meeting, paras. 4-5. For text of Secretary-General's letter to the Permanent Representative of Turkey, see S/5600, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 141-142.

⁵² 1135th meeting, paras. 39, 41-42.

⁵³ Resolution 203 (1965). O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, p. 10.

in carrying out the task entrusted to me by the Security Council."⁵⁴

CASE 26

At the 1223rd meeting on 11 June 1965, in connexion with the situation in the Dominican Republic, the Secretary-General, in accordance with a statement he had made at a previous meeting, reported on certain aspects of the mandate entrusted by the Council to his Special Representative. After noting that he had provided his Representative with the necessary staff and facilities and that those requirements were constantly reviewed, he stated:

"The present mandate involves observation and reporting. This does not, in my view, or that of my Representative, include the actual investigation of complaints and charges about specific incidents and the necessary verification of information concerning them which involves investigation, other than incidents of overt firing which constitute clear breaches of the cease-fire. For my Representative to undertake formally the added function of investigation and verification of complaints, would, by my understanding, require specific clarification by this Council. Such action would provide the necessary sanction for my Representative to undertake investigations."

He indicated that such action would require a substantially enlarged staff and increased facilities. But even with such expansion, he could not, under prevailing circumstances in the Dominican Republic, give assurance to the Council that the added responsibility of investigation and verification would receive the co-operation from the parties on the spot needed for the effective discharge of the responsibility of his Representative. He assured the Council, however, that should the Council decide to enlarge the terms of reference of the Council resolution of 14 May 1965, he would, in the exercise of his responsibility, provide his Representative with the additional staff and facilities required.⁵⁵

a. (ii) Rule 22

CASE 27

At the 1097th meeting on 25 February 1964, in connexion with the complaint by the Government of Cyprus, after the adoption of the agenda, the Secretary-General stated to the Council that he deemed it advisable to make a brief statement at that stage of the debate to provide some clarification on the matter, particularly with regard to his own role. He then informed the Council that since some time before the last meeting he had had discussions with the parties principally involved for the purpose of exchanging views in an effort to clarify and define the major issues involved in the case. He added that his main pre-occupation in the course of those discussions was to determine to what extent common ground might be found amongst the parties. The Council members had been kept informed of what had transpired in the discussions through his private briefing talks with each of the Council members.

He then stated:

"As you know, I have engaged in these informal

⁵⁴ 1208th meeting, para. 10.

⁵⁵ 1223rd meeting, paras. 5-8.

discussions because it was clearly the wish of all the parties that I should do so, and especially because, in view of the seriousness and urgency of the Cyprus situation, it is my desire to do everything possible to help resolve this dangerous crisis. It was in the same light that I responded favourably to the request of the Government of Cyprus, which was supported by the Governments of Greece, Turkey and the United Kingdom, and proceeded to the appointment of General Gyani as my personal representative to observe the progress of the peace-making operation in the island."

The Secretary-General pointed out that the presence of his personal representative in Cyprus had, in addition to being useful to keep him informed about the situation in the island, contributed to alleviating tensions there. He recalled the telegrams he had sent to the President of Cyprus and to the Ministers for Foreign Affairs of Greece and Turkey requesting their Governments to use their maximum influence to prevent further violence and appealing to all concerned, including members of the two communities in Cyprus and their leaders, to show understanding and restraint. He noted that the replies to his appeal had been most encouraging.⁵⁶

In conclusion, the Secretary-General stated:

"... the discussions which I have held on the problem of Cyprus have been undertaken within the context of the United Nations Charter and bearing in mind at all times the authority of the Security Council. Needless to say, without the concurrence of the Security Council the question of the Secretary-General sending a peace-keeping force to Cyprus will not arise."⁵⁷

CASE 28

At the 1143rd meeting on 11 August 1964, in connexion with the complaint by the Government of Cyprus, the Secretary-General, in the light of statements made in the Council on current developments in Cyprus, stated that he felt he should "set the record straight with regard to certain facts". He thereupon drew the Council's attention to an earlier statement⁵⁸ in which he had reported that the cease-fire called for by the President and the resolution of the Council of 9 August 1964 was in effect. He had been able to make that statement, he added, because of the favourable response he had received from the President of Cyprus on the morning of 10 August and from the Prime Minister of Turkey in the afternoon of that day. Subsequent reports received from the Commander of the United Nations Force in Cyprus had indicated that firing had come to an end both on the ground and in the air. There had been however, some report of flights by Turkish aircraft over the territory of Cyprus, although there had been no firing by any of them.

The Secretary-General then reported on incidents that had taken place prior to the acceptance by both sides of the cease-fire call of the Security Council.⁵⁹

⁵⁶ For texts of the telegrams from the Secretary-General and of the replies thereto, see S/5554 and Add.1, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 73-75.

⁵⁷ 1097th meeting, paras. 3-4, 6.

⁵⁸ S/5879, O.R., 19th yr., Suppl. for July-Sept. 1964, pp. 162-163.

⁵⁹ For text of the relevant statement, see 1143rd meeting, paras. 235-242.

CASE 29

At the 1239th meeting on 17 September 1965, in connexion with the India-Pakistan question, the Secretary-General gave the Council a further account of his talks with the Governments of India and Pakistan. In the light of his observation of the situation he suggested that the Council might wish to do a number of things. Those might include: (1) ordering the two Governments, pursuant to Article 40 of the Charter, to desist from further hostile military action, and to that end, to issue cease-fire orders to their military forces, and declaring that failure to comply with the orders would demonstrate the existence of a breach of the peace within the meaning of Article 39; (2) providing the necessary assistance to ensure observance of the cease-fire; (3) studying means of assisting the parties in the withdrawal of armed personnel back to the positions held by them before 5 August 1965; (4) requesting the two Heads of Government to meet at the earliest possible time to discuss the current situation and the problems underlying it, as a first step in resolving outstanding differences between their two countries. The meeting might be held in a country friendly and acceptable to both, and the Council might consider creating a small committee to assist the parties, should the services of such a committee appear useful and desirable to both Governments; and (5) calling on the Secretary-General to be of assistance in any way considered necessary by the Council and both parties.⁶⁰

CASE 30

At the 1270th meeting on 17 December 1965, in connexion with the complaint by the Government of Cyprus, the Secretary-General made a statement to the Council to supplement the observations he had made in his report of 10 December to the Council.⁶¹ After reaffirming his view that the United Nations operations in Cyprus should be extended after 26 December 1965, he stated that if UNFICYP were not to be extended, the results might well be extremely serious, and probably even dangerous. He expressed the hope that, in order to enable better planning, management and economy in the conduct of the operation, the Council would extend the activity of the force for six months. He also urged that there should be assurances of the necessary financial support for the force in advance of a decision to extend it.

He stated that it was his assumption that if the Security Council decided to extend the United Nations operations once again, the extension would be effected "in the light of the expectation of members that, in the course of this ensuing period, the parties directly concerned will make an earnest, persistent and intensified effort to achieve a peaceful settlement of the problem of Cyprus," as that would be in the interests of the people of Cyprus, of all the parties concerned, of the peace of the area, and of the world.

He added:

"In exerting a serious effort towards a pacific settlement, the parties may count on the good will and encouragement of the United Nations and of all the assistance which it can render. Mediation is one of the most important forms of assistance that

⁶⁰ 1239th meeting, paras. 19-24.

⁶¹ S/7001 O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 438-486.

the United Nations can provide, and I am strongly of the view that the mediation function in Cyprus must be resumed at an early date."

He endorsed the objective sought by his representative, Mr. Galo Plaza, of "getting the parties concerned to meet together as a whole, or in different groups and at different levels, at mutually suitable places and at the earliest possible date". At that juncture, he declared, every effort should be bent towards that end, and he appealed to the parties themselves to find a will and a way to that course of action.⁶²

b. Rule 24

CASE 31

At the 1209th meeting on 14 May 1965, in connexion with the situation in the Dominican Republic, the Secretary-General informed the Council that he was taking certain actions in pursuance of the task entrusted to him by Security Council resolution 203 (1965) of 13 May 1965. He indicated that he had immediately begun to seek a person with the appropriate qualifications to serve as his representative in the Dominican Republic, in accordance with the provisions of the resolution, and hoped to report progress thereon shortly.

He added that in view of the urgency and seriousness of the situation in the Dominican Republic, he had decided to dispatch a small advance party of three or four Secretariat staff members in order to prepare the way for the early arrival of his representative. The advance party, which would leave for the Dominican Republic that night, would be led by his Military Adviser.⁶³

CASE 32

At the 1126th meeting on 4 June 1964, in connexion with the complaint by Cambodia, the representative of Morocco introduced a joint Ivory Coast-Moroccan draft resolution,⁶⁴ which would, among

⁶² For text of the relevant statement, see 1270th meeting (PV), pp. 2-4.

⁶³ For text of the relevant statement, see 1209th meeting, paras. 56-57.

⁶⁴ S/5735; text same as S/5741, *O.R.*, 19th yr., *Suppl.* for Apr.-June 1964, p. 190.

other things, have the Council establish an investigation mission. He stated in relation to that draft resolution that its sponsors had let it be assumed that the Secretary-General would be called upon to furnish the proposed investigation mission with the necessary facilities to enable it to proceed in normal and satisfactory conditions to places where it was to discharge its tasks, provided that the expenditure involved would entail no new financial commitments.

The Secretary-General in a comment thereon assured the Council that any such assistance as would be required of the Secretariat would be provided. He also gave the Council the cost estimate involved in providing the necessary staff members who were to accompany members of the proposed investigation mission.⁶⁵

CASE 33

At the 1227th meeting on 18 June 1965, in connexion with the situation in the Dominican Republic, the Secretary-General stated with regard to the enlargement of the staff of his Representative in Santo Domingo that the question of the level of his staff was under constant review. He assured the Council that he would provide his Representative in Santo Domingo with the necessary assistance in the performance of his duties. He also indicated that the question of communication between his Representative and the United Nations Headquarters in New York was being closely examined, and competent United Nations services were then looking into the possibility of either ensuring a more reliable link for the transmission of messages from the Dominican Republic through existing facilities, or, alternatively, the establishment of a separate United Nations system of communications. The latter, he noted, would require substantial expenditure. The paramount consideration in the matter, the Secretary-General observed, was "the need to ensure prompt and undisturbed communication" between his Representative and the United Nations Headquarters.⁶⁶

⁶⁵ For texts of relevant statements, see 1126th meeting: Morocco, para. 11; Secretary-General, paras. 45-47.

⁶⁶ 1227th meeting, paras. 4-5.

Part V

CONDUCT OF BUSINESS (RULES 27-36)

NOTE

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

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

duct of business in situations not covered or not clearly covered by the rules; instances in which the meaning or applicability of the rules was in doubt. The cases, arranged in chronological order under the respective rules, concern the following points:

1. Rule 27

The order of intervention in the debate (Cases 35-40).

2. Rule 30

The President's view on whether a particular situation required a ruling on his part (Case 41) and on whether a representative invited to participate in the Council debate could raise a point of order (Case 42).

3. Rule 31

Interpretation by a member on the scope of rule 31 (Case 43)

4. Rule 33, subparagraphs 1 and 2

Decision to suspend or adjourn a meeting without debate (Case 44)

5. Rule 33, subparagraph 3

Interpretation of the general scope of subparagraph 3 of rule 33 for the adjournment of a meeting to a certain day or hour (Case 45); the scope of debate on a motion to adjourn to a certain hour (Cases 47 and 48); the manner in which the President proposed to deal with a proposal for adjournment to a certain date by a non-member of the United Nations (Case 46).

6. Rule 35

Request for vote on a draft resolution by a non-sponsor.

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

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

a. Rule 27

CASE 34

At the 1095th meeting on 18 February 1964, in connexion with the complaint by the Government of Cyprus, the representative of the USSR suggested that the representative of Cyprus * be called upon to speak before the representative of the United Kingdom, whom the President had called upon to speak first. He stated that the Council was in fact resuming the consideration of a question which it had discussed at the 1085th meeting in December 1963. He pointed out that the letter of the representative of Cyprus, which appeared as one of the two subitems of the agenda⁶⁷ and was dated 15 February 1964, had in fact been dated 14 February 1964. It was his delegation's view that even if the letter of the representative of the United Kingdom, also dated 15 February and constituting the other subitem of the agenda,⁶⁸ was issued with an earlier document number, it would not change the essence of the matter, which, he added, had been raised as early as December 1963. His delegation therefore believed that Cyprus, having appealed to the Council to protect it from external threats and now wishing to present new facts to the Council concerning that threat, should be given the right to speak first. The President (Brazil), stated in reply that the order in which representatives might address the Council was not determined by the dates of letters sent to the President of the Council, or by any other criterion except the one laid down in rule 27 of the provisional rules of procedure.

The representative of the USSR thereupon stated that reference to procedure would not dispose of the question, for what he had in mind was not the formal aspect but, rather, the "substance of the item which is on the Council's agenda and which we must examine". He called attention to the fact that Cyprus was now represented by its Foreign Minister, who, he believed, should be accorded the right to speak first.

The representative of the United Kingdom noted that the problem raised by the representative of the USSR was disposed of by the provisions of rule 27, to which the President had referred earlier.

The representative of Czechoslovakia, supporting the USSR suggestion, recalled developments leading to the calling of the meeting and noted that there was no doubt that it had been called at the request of the representative of Cyprus.

The President thereupon cited rule 27, declaring that since the first inscribed on the list of speakers for that meeting was the representative of the United Kingdom, he would call on him to make his statement first.⁶⁹

CASE 35

At the 1136th meeting on 18 June 1964, in connexion with the complaint by the Government of Cyprus, the representative of the USSR questioned the propriety of calling on the representative of Turkey to speak first, as the President proposed to do. Since, according to his information, the head of the delegation of Cyprus had requested the Council that its representative be allowed to speak on the substance of the question under consideration, and since Cyprus was now represented by its Foreign Minister, he was of the opinion that the representative of Cyprus should be given the floor first.

In reply, the President (Ivory Coast) referred to rule 27 and stated that the representative of Turkey was called upon as the first speaker because he was the first to have asked to speak.

The representative of the USSR, commenting on the President's explanation of rule 27, contended that the rule "refers apparently to representatives on the Security Council". He also questioned the procedure used for drawing up the list of speakers, asking the President to clarify whether the list had been drawn up before or after the adoption of the agenda.

The President stated in reply:

"The Chair believes that it is extremely difficult to determine the precise moment when the speakers should put their names on the list. There is a current Security Council practice which allows speakers sometimes to list their names before the agenda is adopted; in the present case, that is how the list was drawn up. As no new list of names was put down at the time the actual decision to adopt the agenda was taken, the Chair henceforth, cannot but consider that the order in which the speakers had placed their names on the list will continue to be valid."

As to the USSR view on the use of the word "representatives" in rule 27, the President drew attention to rule 14, which in his view designated as representatives persons appointed by Governments invited to take part in the meetings of the Security Council, adding:

"In the absence of some other, express designation, the Chair cannot but assume that the term 'representatives', as used in rule 27, applies both to representatives of countries which are members of the Security Council and to representatives of

⁶⁷ S/5545, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 69-70.

⁶⁸ S/5543, *ibid.*, pp. 66-67.

⁶⁹ For texts of relevant statements, see 1095th meeting: President (Brazil), paras. 18, 32; Czechoslovakia, para. 31; USSR, paras. 5-7, 10-12, 22-23; United Kingdom, para. 26.

States which have been invited to participate in the meeting.”

The President also indicated that he had acted in that way, while recognizing the right of the Council to change the Chair's decision if such was considered necessary and the Council wished to exercise its privilege in not applying rule 27.

The representative of Czechoslovakia contended that the Council could not draw up a list of speakers of invited representatives before the Council had decided whether or not to invite them. He also recalled that the Council had invited the representatives of Cyprus, Turkey and Greece, in that order. In the circumstances, he supported the viewpoint of the representative of the USSR that the representative of Cyprus should be recognized first.

The President replied that the decision which he had asked the Council to take was expressed in the following terms: “In accordance with the practice of the Council, and if I hear no objection, I will invite the representatives of these three countries to take places at the Council table.” In the absence of objection the invitation was extended simultaneously, although he had called on each of the countries in alphabetical order to take their place at the Council table. The President then stated:

“... as there is no rule in the provisional rules of procedure which provides that speakers shall take the floor in alphabetical order, I felt I had to apply rule 27.”

The representative of the USSR recalled that the Council had been convened in connexion with the complaint by Cyprus and the report of the Secretary-General on the United Nations operations in Cyprus. He noted that it was therefore logical that the Council should first hear those who were principally and primarily concerned, which in this case was the representative of Cyprus. Moreover, in actual fact, the representative of Cyprus was the only one who should be called upon to speak at that stage; there was no other question on the agenda, and it did not seem that anyone else could *a priori* claim the floor.

In explanation of his previous statement, the President stated that the order in which he had invited the representatives to take seats at the Council table was the order in which their requests had been received. That order, however, did not affect the order of speakers, since, as he had already indicated, the representative of Turkey had requested to speak before the representative of Cyprus. In the absence of a formal proposal to the contrary, the President called on the representative of Turkey to speak.⁷⁰

CASE 36

At the 1138th meeting on 19 June 1964, in connexion with the complaint by the Government of Cyprus, the representative of the USSR, speaking after the representative of Brazil, whom the President had called upon as the first speaker, drew attention to an announcement made by the President at the previous meeting that he had had no further speakers on his list either for that meeting or for the current one. In the light of that announcement and the fact that his delegation had reserved its right to speak at the cur-

⁷⁰ For texts of relevant statements, see 1136th meeting: President (Ivory Coast), paras. 8-9, 15-17, 19-20, 29-30, 35; Czechoslovakia, para. 18; USSR, paras. 4-5, 10-14, 21-23.

rent meeting, he had had reason to believe that he would have been called upon to speak first.

The President (Ivory Coast) stated in explanation that he had not thought of the statement of the USSR representative at the previous meeting as a formal request for inscription of his name on the list of speakers. He had, therefore, sent someone to the USSR delegation in order to confirm that the USSR representative was to speak at the current session. By the time that was confirmed, he had already inscribed the representative of Brazil on the list of speakers.

The representative of the USSR, finding the President's explanation not convincing, noted that if the President or the representative of Brazil had approached his delegation, the question would not have arisen, and his delegation would have been glad to yield the floor to any other delegation, and in particular, to that of Brazil.⁷¹

CASE 37

At the 1142nd meeting on 8 August 1964, in connexion with the complaint by the Government of Cyprus, the representative of the USSR, discussing the two letters from the representatives of Turkey* and Cyprus,* which made up the subitem⁷² of the agenda for the meeting, raised the question of the order of speakers. He noted that a comparison of the two letters showed that the Council should give priority to considering the letter of the representative of Cyprus, as the acts complained of therein continued to take place at that moment. It would, therefore, be natural for the Security Council as the principal organ of the United Nations primarily responsible for the maintenance of international peace and security to hear the representative of Cyprus first.

The President (Norway) stated in explanation that his office was first informed the morning of that day by the delegation of Cyprus that the permanent representative of Cyprus was on his way to New York and that he was likely to request a Council meeting to consider the developments in Cyprus. Shortly thereafter, he received a letter from the representative of Turkey requesting an urgent meeting of the Council. In the afternoon of the same day, he received a letter from the representative of Cyprus, asking that an emergency meeting of the Council be convened immediately. The delegations of Turkey and Cyprus at the time of the submission of their letters had each requested that their representatives be included in the list of speakers. He further stated:

“the rule to be followed by the President seems to me to be very clear: it is rule 27 of the provisional rules of procedure of the Security Council...”

The representative of Czechoslovakia, supporting the proposal that the representative of Cyprus should be asked to speak first, noted that Cyprus being the country which had been attacked and the situation becoming more serious, the Council “might apply a procedure which would correspond to the seriousness of the situation”.

The representative of Bolivia observed that the letter from the Turkish representative denounced the Greek Cypriot community for its continuing attempts to per-

⁷¹ For texts of relevant statements, see 1138th meeting: President (Ivory Coast), paras. 8-10, USSR, paras. 6-7, 11-13.

⁷² S/5859, and S/5861, O.R., 19th yr., Suppl. for July-Sept. 1964, pp. 144, 145-146.

petrate the usurpation of Government, which, in his view, was a political matter, while the letter from the representative of Cyprus called upon the Security Council to discharge its responsibility for the maintenance of peace and for putting an end to armed aggression. His delegation, therefore, felt that the Council should first hear the representative of Cyprus, without, however, prejudicing the Turkish delegation's right to speak as often as necessary.

The representative of the USSR, in reply to the President's query, stated that he wished to submit as a formal proposal his suggestion that the representative of Cyprus be given the floor first. In explanation of this proposal, he noted that rule 27, which the President invoked, did not apply to the situation at hand, as the representatives of both Turkey and Cyprus were invited under Article 32 of the Charter. Moreover, before rule 27 could be applied, there should be a list of speakers drawn up in accordance with that rule. Yet it was clear, in his view, that at the time when the representative of Turkey asked to be put on the list of speakers, it was not as yet known what the Council's decision would be with regard to the participation of the representative of Turkey. He added:

"In any event, even if it were permissible to take it for granted that he would of course be invited to take part in the meeting, it could not be held that at the moment he was already one of the persons entitled to speak under Article 32 of the Charter; because we had not then reached our formal decision . . . to invite him and other non-members of the Council to participate in the discussion of the question now before us."

The representative of the United States supported the President's position that rule 27 was applicable in the case at hand, and that inasmuch as Turkey was inscribed first, the Council should first call on the representative of Turkey. He cited two previous instances, in which the same difficulty arose and which in each instance was decided in accordance with rule 27.⁷³ He took the view that if the Council should follow the suggestion of the USSR representative, it was likely to create some difficulty for the future, since

"If we decide which participant in our proceedings speaks first on the basis of the merits of the case, we shall have to debate the merits of each case before we can decide who shall speak first."⁷⁴

The proposal of the representative of the USSR was subsequently put to the vote and rejected by 3 votes in favour, 4 against, with 4 abstentions.⁷⁵

CASE 38

At the 1210th meeting on 18 May 1965, in connexion with the complaint by Senegal, the President (Malaysia) informed the Council that he had the representatives of Jordan and the United Kingdom on his list of speakers, but as the representative of the Congo (Brazzaville) had asked to make his statement at that stage of the meeting, he had secured the permission of the two representatives to allow the represen-

tative of the Congo to speak before them. He thereupon called upon the representative of the Congo (Brazzaville) to make his statement.⁷⁶

CASE 39

At the 1263rd meeting on 17 November 1965, in connexion with the situation in Southern Rhodesia, the President (Bolivia) explained to the Council members that he had earlier called on the representative of Jordan on the assumption that he would speak on a point of order. After noting that the statement by the representative of Jordan had given rise to a right of reply by the representative of the United Kingdom and that comments might be made later by other members, he stated that the Council should continue with the list of speakers in accordance with the provisional rules of procedure. He thereupon called on the representative of Sudan to make his statement.⁷⁷

CASE 40

At the 1268th meeting, on 23 November 1965, in connexion with the situation in Territories in Africa under Portuguese administration, during an announcement by the President that the Council was to proceed to a vote on amendments to a draft resolution before it the representative of the Netherlands asked to be recognized. In explanation, the representative of the Netherlands stated that he had asked to be inscribed as the first speaker for the current meeting to state his Government's position on the resolution as a whole, which his delegation had not been able to do at the previous meeting, for lack of instructions. He then indicated that he would like to explain his delegation's position before the Council took a vote on the draft resolution.

The President (Bolivia) indicated that on the list of speakers for that meeting the name of the representative of the Netherlands appeared after that of the representative of Uruguay. Proceeding on that basis, he had at an earlier stage of the meeting already called on the representative of the Netherlands. He did not know that the latter wanted at that time to make a statement different from the one he had made; under the circumstances, he suggested that the representative of the Netherlands state his Government's position after the amendments to the draft resolution had been voted upon. The representative of the Netherlands, having stated no objection to the suggestion, spoke after the vote on the amendments.⁷⁸

b. Rule 30

CASE 41

At the 1142nd meeting on 8 August 1964, in connexion with the complaint by the Government of Cyprus, the representative of the USSR, who had asked for the floor on a point of order, suggested that the Council should first consider subitem (b) of the agenda, which was submitted by the representative of Cyprus.⁷⁹ Noting that the letter constituting that subitem

⁷⁶ For text of the relevant statement, see 1210th meeting, para. 5.

⁷⁷ 1263rd meeting, para. 24.

⁷⁴ For texts of relevant statements, see 1142nd meeting: President (Norway), paras. 14-17, 28; Bolivia, paras. 23-27; Czechoslovakia, para. 22; USSR, paras. 9, 29-30, 33; United States, paras. 35-37.

⁷⁵ 1142nd meeting, para. 46.

⁷⁹ S/5861, *O.R.*, 19th yr., *Suppl. for July-Sept. 1964*, pp. 145-146.

drew attention to armed attacks which were "still continuing", the Council, as an organ of the United Nations primarily responsible for the maintenance of international peace and security, should in his view first hear the representative of Cyprus. The President (Norway), after explaining the sequence of events leading to the convening of the meeting, indicated that in accordance with rule 27, the first to be called upon to speak at that meeting would be the representative of Turkey.⁸⁰

Subsequently, the representative of Morocco suggested that it was within the competence of the President to decide on the point of order raised, and that his delegation would abide by the President's decision thereon.

The President then announced that he would put to the vote the proposal of the representative of the USSR that the Council should first hear the representative of Cyprus. The representative of the Ivory Coast, having called attention to the point raised by the representative of Morocco, and to the provision of rule 30, enquired whether the President had given his ruling on the matter, and whether, if there had been a challenge, the President was now submitting that challenge to the vote.

The President thereupon stated:

"In reply to the question raised by the representative of the Ivory Coast, I should like to give the following explanation as to how I see the matter.

"The representative of the Soviet Union submitted a proposal which I have quoted and which I was about to put to the vote. The President has made no ruling. He has not been requested to make any ruling. But he has, in a statement for the information of the Council, indicated that if this proposal had not been made, he would have, as a matter of course, and in accordance with his duties, followed the rules of procedure, and he [has] quoted the rule of procedure that he would have followed."⁸¹

The Council then proceeded to vote on the USSR proposal to give priority to the representative of Cyprus, which it rejected by 4 votes to 3, with 4 abstentions.⁸²

CASE 42

At the 1247th meeting on 25 October 1965, in connexion with the India-Pakistan question, the representative of India* asked to be recognized while the representative of Pakistan was making his statement. Just as the President (Uruguay) was saying that he was not sure whether the representative of India was to raise a point of order, the representative of Pakistan,* on a point of order stated:

"Under the provisional rules of procedure the representative of India has not the authority to raise a point of order, nor has the representative of Pakistan. We have been invited by the Security Council to participate in the debate. It is not for either India or Pakistan to raise a point or order."

The President thereupon stated:

⁸⁰ For discussion of this question under rule 27, see Case 37 above.

⁸¹ For texts of relevant statements, see 1142nd meeting: President (Norway), paras. 14-21, 39, 44-45; Ivory Coast, paras. 42-43; Morocco, para. 38; USSR, para. 9.

⁸² *Ibid.*, para. 46.

"I should like to tell the representative of Pakistan that I have no means of foretelling what the representative of India wishes to say. I must therefore ask him at least to let me find out what question the representative of India wishes to raise. If it is out of order, the President is entitled to refuse him permission to speak. Does the representative of Pakistan agree?"

At that point of the President's statement, the representative of Jordan asked to be recognized, and, having been given the floor, the latter observed:

"I think a speaker can only be interrupted by a point of order raised by one of the eleven members of the Security Council. He cannot be interrupted otherwise. Only a member can interrupt the representative of Pakistan — and only on a point of order."

The President then inquired:

"Is the representative of Pakistan questioning the President's right to satisfy his curiosity concerning the problem which the representative of India wishes to raise?"

After the brief remarks of the representative of Pakistan, the President observed:

"The representative of India has the floor. Under the provisional rules of procedure he is not entitled to raise points of order which is the prerogative of members of the Security Council. Perhaps the representative of India wishes to make some statement that is not a point of order?"

The representative of India then stated:

"It has been claimed that non-members of the Security Council may not raise a point of order; but this was partly answered by the distinguished representative of Pakistan who himself intervened and said that he wanted to raise a point of order; and he was allowed to do so."

He then indicated that what was involved was a question of substance, noting that despite the President's appeal, the representative of Pakistan continued to refer to points to which the President had asked him not to refer.

After stating that under the circumstances, he had no option but to dissociate himself from the discussion, the representative of India withdrew from the Council table.⁸³ The Council thereupon decided upon a motion of the representative of the United States, to suspend the meeting under rule 33.⁸⁴

c. Rule 31

CASE 43

At the 1214th meeting on 21 May 1965, in connexion with the situation in the Dominican Republic, the representative of Uruguay informed the Council of some revisions in the draft resolution which his delegation had submitted before the Council.

The President (Malaysia), after noting that the revisions made by the representative of Uruguay were substantial and involved a rewriting of a whole paragraph into two paragraphs, drew attention to rule 31

⁸³ For texts of relevant statements, see 1247th meeting: President (Uruguay), paras. 102, 104, 106, 108; India,* para. 109; Jordan, para. 105; Pakistan,* paras. 103, 107.

⁸⁴ 1247th meeting, paras. 110, 111. See also chapter III, Cases 12 and 17.

and invited the representative of Uruguay to submit his revised draft in writing. The representative of Uruguay stated that what he had introduced were revisions to a draft resolution which had already been placed before the Security Council. He added that rule 31

"... refers to proposed resolutions, amendments and substantive motions. I have not submitted a new draft resolution or an amendment, or put forward any substantive motion. I have merely made several revisions to a previous text.

"From my experience in the United Nations, I believe that the revision of texts is a normal and current procedure, and that texts can also be revised orally, as I have done."

He noted however, that he had no objection in submitting the revised text in writing in order to facilitate the work of the Council.⁸⁵

d. Rule 33

CASE 44

At the 1093rd meeting on 17 February 1964, in connexion with the India-Pakistan question, the representative of Morocco submitted a "motion for adjournment on the basis of rule 33". The President (Brazil) noted that motions to "suspend the meeting" under subparagraph 1, and to "adjourn the meeting", under subparagraph 2 of rule 33, should be decided without debate. He therefore sought clarification from the representative of Morocco whether his proposal fell under either of the two subparagraphs, adding that if it did, he would not give the floor to other representatives who had already asked to be recognized.

After the representative of Morocco specified that his motion was made under subparagraph 2, the President announced that the Council had to decide on the motion without debate. There having been no objection to the motion, he declared the meeting adjourned.⁸⁶

CASE 45

At the 1104th meeting on 17 March 1964, in connexion with the India-Pakistan question, the representative of India,* recalling the objection of his delegation to the proposal for adjournment of the 1093rd meeting and the fact that the Council adjourned thereafter under rule 33, stated that adjournment under this rule was an adjournment *sine die*. In reconvening the meeting, he observed, the President should take into account the convenience of both sides, not only that of Pakistan. India had earlier requested a postponement, he added, due to the inability of its representative on the Council to participate before the early part of May, at which time the budget session of the Indian Parliament, with which he was currently preoccupied, was scheduled to end. He then renewed his request for postponement until that time.

The representative of Czechoslovakia thereupon proposed that the Council adjourn the meeting under rule 33, subparagraph 3, to early May 1964.

Following a statement by the President that under rule 33 he should consult members on the question

⁸⁵ For texts of relevant statements, see 1214th meeting: President (Malaysia), paras. 63-64; Uruguay, paras. 65-66.

⁸⁶ For texts of relevant statements, see 1093rd meeting: President (Brazil), paras. 18, 20; Morocco, paras. 16, 19.

of adjournment, the representative of Brazil appealed to the representatives of India and Czechoslovakia to agree to a suspension of the debate for two days to enable the Council to consider the proposed long adjournment in the light of circumstances and developments in Kashmir.

The representative of Czechoslovakia, although of the opinion that his proposal, having been submitted under rule 33, subparagraph 3, should be voted upon first, was willing to accept the Brazilian suggestion, with the understanding that the resumed meeting would only deal with, and vote upon, his proposal for adjournment until early May.

The representative of Brazil stated in explanation that the purpose of his proposal was to allow members to reflect on the situation and to meet after two days for discussing it and taking a decision on the proposal to adjourn until early May; the first item on the agenda of the resumed meeting would then be "the conclusion of the Council's consideration of the proposal made by the representative of Czechoslovakia".

In the absence of any objection, the President declared the meeting adjourned, as proposed by the representative of Brazil, noting that at the resumed meeting "the Council will proceed at once with a discussion, if necessary, to decide whether to resume consideration of this item".

When the Council resumed discussion of the Czechoslovak proposal at the 1105th meeting on 20 March 1964, the representative of Brazil noted that from the exchange of views that had taken place during the two-day adjournment, he believed that there might be some advantages in adjourning the meeting until early May. He was therefore prepared to vote for the proposal for adjournment until then, as proposed by the representative of Czechoslovakia. He added, however, that the adjournment until early May was only a target date, and that if developments of a political or military nature should in the meantime alter or worsen the situation currently prevailing in Jammu and Kashmir, the President, or any member of the Council might call an urgent meeting, in accordance with the Council's rules of procedure.

As the majority of Council members associated themselves with the statement made by the representative of Brazil, the President declared the Council adjourned until early May, as proposed by the representative of Czechoslovakia.⁸⁷

CASE 46

At the 1118th meeting on 19 May 1964, in connexion with the complaint by Cambodia, the President (France) informed the Council that he had received a telegram from the Minister for Foreign Affairs of the Republic of Viet-Nam⁸⁸ requesting a postponement of the opening debate for two weeks. He noted that he had felt unable to accede to that request in view of the date of the occurrence of the incidents under consideration and of the representations recently made to him by the representative of Cambodia. If the Council agreed, he would send a reply to the Minis-

⁸⁷ For texts of relevant statements, see 1104th meeting: President (China), paras. 67, 88-89; Brazil, paras. 68-71, 86-87; Czechoslovakia, paras. 65-66, 80-81; India,* paras. 45-46, 54-55, 57; 1105th meeting: President (China), para. 51; Brazil, paras. 4-7.

⁸⁸ S/5709, O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 151-152.

ter for Foreign Affairs of the Republic of Viet-Nam informing him that the Council hoped that a representative of that Government would participate in the discussions of the Council and to state his Government's position without delay on the recent incidents on the Khmer-Viet-Nam border. The representative of the Republic of Viet-Nam, the President further suggested, could be invited to participate at the next meeting of the Council. The Council so decided.⁸⁰

CASE 47

At the 1150th meeting on 15 September 1964, in connexion with the complaint by Malaysia, the representative of Norway proposed, under rule 33, that the Council be suspended for half an hour.

The President (USSR), stated in response that there were still two speakers to address the meeting and suggested that, unless the representative of Norway should press for his proposal for suspension at that stage, he would call on the two speakers. Whereupon the representative of Norway stated:

"The rule under which I proposed the suspension is rule 33 of the provisional rules of procedure . . . and you have made an appeal to me, Mr. President, to have the Council hear two speakers who are on your list before coming to a decision on whether to suspend the meeting. I must say that it is always more likely than not that there will be speakers on the list at the moment when a suspension of the meeting is suggested. Otherwise, it would seem to me, there is very little need for this rule and for a suspension."

The President suggested in reply that the Council decide on the question of the half-hour suspension after hearing the two representatives and appealed to the representative of Norway not to insist on a vote on his proposal at that stage. The representative of Norway, after stating that the question was one of either following the rules of procedure or departing from them, indicated that in that particular instance and under the circumstances, he would not insist on the application of the rules.⁸⁰

CASE 48

At the 1213th meeting on 20 May 1965, in connexion with the situation in the Dominican Republic, the representative of Jordan suggested that the Council members should consult one another on further steps to give effect to a cease-fire in the Dominican Republic. The representative of Uruguay who, along with the representative of the Ivory Coast, supported

⁸⁰ 1118th meeting, paras. 117-118.

⁸⁰ For texts of relevant statements, see 1150th meeting: President (USSR), paras. 26-27, 33-34, 37; Norway, paras. 24, 30, 40.

the suggestion, thereupon proposed a half-hour suspension of the meeting for that purpose.

The President (Malaysia), after quoting rule 33 and noting that a proposal for suspension should be decided without debate, called on the representative of Ivory Coast, "if he wishes to say anything in the context of rule 33". The representative of Ivory Coast stated that he had wanted to draw the Council's attention to the rule which the President had just quoted.

The President then called on the representative of the USSR, noting, however, that he would still draw the attention of the representative of the USSR to rule 33. Following a statement by the representative of the USSR, the President declared, in the absence of any objection, that the Council stood adjourned for half an hour, as proposed by the representative of Uruguay.⁸¹

e. Rule 35

CASE 49

At the 1204th meeting on 11 May 1965, in connexion with the situation in the Dominican Republic, the representative of the United States suggested that the Council should at that stage vote upon a draft resolution submitted by the representative of the USSR.⁸² The representative of Uruguay, noting that the representative of the USSR had neither insisted nor requested that the Council should vote on his draft resolution but had rather left it to the Council to decide on the matter, stated:

" . . . bearing in mind that according to rule 35, second paragraph . . . a request for a vote on a draft resolution can be made only by the sponsoring delegation or by those delegations which have seconded it, it seems to me that the suggestion of the United States representative cannot be considered a formal proposal, since I do not believe that his delegation has seconded the Soviet draft resolution, and this, according to rule 35, second paragraph, is the only circumstance which would enable it to make a formal proposal."

The representative of the United States stated that, while not in agreement with the interpretation of the rules made by the representative of Uruguay, he had no objection to continuing discussion on the matter, without taking further action at that meeting, if that was the wish of the majority of the members.⁸³ The meeting was adjourned without a vote being taken on the USSR draft resolution.⁸⁴

⁸¹ For texts of relevant statements, see 1213th meeting: President (Malaysia), paras. 134, 137-139, 141, 148; Ivory Coast, paras. 128, 140; Jordan, paras. 77, 135-136; Uruguay, para. 129.

⁸² S/6328, for text, see 1198th meeting, para. 3.

⁸³ For texts of relevant statements, see 1204th meeting: United States, paras. 97, 112; Uruguay, paras. 107-108.

⁸⁴ 1204th meeting, paras. 117, 119.

Part VI

** VOTING (RULE 40)

Part VII

LANGUAGES (RULES 41-47)

NOTE

During the period under review, rules 42-43 regarding interpretation into the working languages (English and French) have been generally applied. On certain occasions consecutive interpretation into one or both of the working languages has been either waived or postponed as an exceptional measure in order to expedite discussion or to save time. The material assembled in this part, while not including all such instances, are indicative of those cases in which the requests for the waiver of interpretation into one or both of the working languages have been subjected to discussion, or in which such requests have been made with some qualifications.

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

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

Rules 42-43

CASE 50

At the 1091st meeting on 14 February 1964, in connexion with the India-Pakistan question, the representative of the USSR stated that in order to save time, but without seeking to establish a precedent, his delegation would waive the right of consecutive interpretation of his statement into both working languages. After the President (Brazil) had submitted the observation of the USSR representative as a proposal before the Council, he declared that, unless there was any objection, the Council would continue with its proceedings. There being no objection, the Council proceeded to hear the next speaker.⁹⁵

CASE 51

At the 1097th meeting on 25 February 1964, in connexion with the complaint by the Government of Cyprus, following a statement by the representative of the USSR that he would not insist on a consecutive interpretation into English and French, the representative of the United Kingdom stated that he would prefer the statement of the USSR representative to be interpreted into the two working languages. The President stated in reply:

"In view of the request of the representative of the United Kingdom, a member of the Council, the statement will be translated into both languages."

Later at the same meeting, the representative of the USSR stated at the conclusion of his statement that he once again would not insist on the consecutive

⁹⁵ For texts of relevant statements, see 1091st meeting: President (Brazil), para. 56; USSR, para. 55.

interpretation of his statement.⁹⁶ Accordingly, no consecutive interpretation was made of his statement.

CASE 52

At the 1118th meeting on 19 May 1964, in connexion with the complaint by Cambodia, the representative of the USSR stated that in view of the late hour, he would not insist on a consecutive interpretation of his statement into English, provided that on other occasions there could be interpretation into the European languages. The Council so decided.⁹⁷

CASE 53

At the 1119th meeting on 21 May 1964, in connexion with the complaint by Cambodia, the representative of the USSR suggested at the conclusion of his statement that since the hour was late and the position was clear, the Council should dispense with consecutive interpretation of his statement. The President (France) thereupon declared that if the Council agreed, and provided that the decision would not constitute a precedent, the Council would waive the consecutive interpretation as suggested. The Council so decided.⁹⁸

CASE 54

At the 1230th meeting on 20 July 1965, in connexion with the situation in the Dominican Republic, the President, speaking as the representative of the USSR, stated that he would not insist on a consecutive interpretation of his statement. Following a suggestion by the representative of the United States that the President should have an interpretation of the statement into one language only, on that occasion, English, the President noted that that would be done, leaving the waiver of the interpretation into French, however, to the French representative. Thereupon the representative of France stated that he had followed the statement during its simultaneous interpretation and had understood it fully, but noted that he was not the only French-speaking representative on the Council. After the representative of Ivory Coast stated that he, likewise had fully understood the statement of the representative of the USSR, the Council heard the consecutive interpretation into English only.⁹⁹

⁹⁶ For texts of relevant statements, see 1097th meeting: President (Brazil), para. 121; USSR, paras. 119, 155; United Kingdom, para. 120.

⁹⁷ For text of the relevant statement, see 1118th meeting: USSR, para. 113.

⁹⁸ For texts of relevant statements, see 1119th meeting: President (France), para. 119; USSR, para. 118.

⁹⁹ For texts of relevant statements, see 1230th meeting: President (USSR), paras. 99, 103; France, para. 100; Ivory Coast, para. 101; USSR, paras. 94, 97; United States, para. 96.

Part VIII

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

Part IX

** APPENDIX TO PROVISIONAL RULES OF PROCEDURE