

**Chapter I**

**PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL**

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## INTRODUCTORY NOTE

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

The major headings under which the material is entered in this chapter follow the classification previously adopted for the *Repertoire*. The arrangement of each part is based

on the successive chapters of the provisional rules of procedure of the Security Council.

During the period under review, the Council has not considered the adoption or amendment of rules of procedure. 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.

### 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 interpretation of rules 1-5, which reflect the provisions of Article 28 of the Charter.

During the period under review, discussions have on a number of occasions dealt with the question of the powers and duties of the President to call a meeting under rules 1 and 2, on the one hand, and the practice of the President's consulting Council members, on the other, for the purpose of determining the timing for a proposed meeting.

In one instance, a query was addressed to the President concerning a delay in the convening of a meeting which had been requested by a Council member to consider a question said to be urgent (Case 1).

In another instance, the President, in response to observations by Council members, stressed his discretionary powers in setting the timing for the holding of meetings.

In the third instance, views were expressed on the desirability of adherence by the President to the practice of holding consultations among members of the Council prior to the holding of a meeting (Case 3).

Finally, the President, in response to a query, gave an explanation of the convening of a meeting beyond the time for which it had been originally scheduled (Case 4).

No periodic meetings, as provided in rule 4, have been held during the period under review; neither has a meeting been held outside of the United Nations Headquarters (rule 5).

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

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

##### Rules 1 and 2

##### CASE 1

By letter <sup>1-2</sup> dated 7 April 1966 addressed to the President of the Council, the representative of the United Kingdom requested an emergency meeting of the Council to consider the situation in Southern Rhodesia in connexion with the arrival of an oil tanker at Beira, a port in Mozambique, and of the approach of a second tanker to that port, both believed to be carrying oil destined for Southern Rhodesia.

By letter <sup>3</sup> of the same date addressed to the President of the Council, the Secretary-General transmitted a message from eight members of the Council (Argentina, China, Japan, the Netherlands, New Zealand, the United Kingdom, the United States and Uruguay) in which it was stated that the majority of the Council members had expressed their agreement to the President earlier that day for the convening of the Council that same day, and that they were prepared to meet in the evening and made themselves available for that purpose. The Secretary-General further stated that the representatives of France and Jordan had informed him individually that they also agreed to a meeting being convened that day.

<sup>1-2</sup> The representative of the United Kingdom read out the text of this letter (S/7235) at the 1276th meeting on 9 April 1966. See 1276th meeting, para. 10.

<sup>3</sup> S/7237, *OR*, 21st yr., *Suppl. for April-June 1966*, p. 29.

By another letter <sup>4</sup> dated 8 April 1966, the representative of the United Kingdom, after referring to his letter of 7 April, stated that the request for the Council meeting was made pursuant to rule 2 of the provisional rules of procedure of the Security Council. He noted that he was aware of the practice that had grown up in recent years whereby the President would seek the views of other Council members on the timing of a request for a Council meeting, adding that such practice would in normal circumstances operate for the convenience of Council members. Nevertheless, he observed,<sup>5</sup>

"it remains the prerogative of the President to call a meeting of the Council without such consultation, should circumstances so require. . . . The terms of rule 2 of the provisional rules of procedure impose upon the President a duty to call a meeting of the Council at the request of any member of the Council, the more particularly if the situation which the Council is called upon to consider is one of great urgency. There is ample precedent in the practice of the Council to this effect. There is certainly no precedent for the refusal of the President to call an urgent meeting in the face of a request to which a majority of Council members have agreed."

After quoting that part of Article 28 of the Charter which provides that "the Security Council shall be so organized as to be able to function continuously", he stated:

"A grave and most serious precedent for the proper functioning of the Security Council in emergency situations is created if the President of the Council fails to fulfil the duties imposed upon him by the provisional rules of procedure with respect to the convening of a meeting of the Council."

The representative of the United Kingdom then expressed his dissatisfaction at the failure to convene a Council meeting on 7 April when it was formally and urgently requested by his Government, and regretted that no "formal explanation" had been given for "the refusal to accede to a request fully justified by the provisional rules of procedure". Under the circumstances, he observed, a meeting of the Council must be convened without a further delay.

The President of the Council (Mali), in a letter <sup>6</sup> dated 8 April 1966 addressed to the Secretary-General, transmitted the text of a telephone conversation that he had had with the Under-Secretary for Special Political Affairs on the evening of 7 April 1966, which read as follows:

"The President of the Security Council has noted, with some surprise, the message dated 7 April 1966 [S/7237] transmitted to him by the Secretary-General on behalf of certain members of the Council.

"Such procedure is without precedent in the history of the Security Council. It has always been the prerogative of the President to call a meeting of the Security Council at the request of a member and, after consultations with all the members, to set a date and time convenient to them all.

"The President of the Security Council has, therefore, followed the customary procedure by engaging in consultations with the members of the Security Council.

At the present time, these consultations are still going on. Consequently, the President of the Security Council is not yet in a position to announce the date and time of the meeting of the Security Council.

"He hopes to conclude these consultations on Friday, 8 April 1966, and thereby be able to announce a time and date for the Security Council meeting."

In a subsequent letter <sup>7</sup> dated the same date addressed to the Secretary-General, the President announced that after consultations with all members of the Council, he was in a position to convene a meeting on the morning of 9 April 1966. The President convened the meeting accordingly.

During the first two meetings on this question, some representatives expressed their views on the manner in which the meeting had been convened. At the 1276th meeting on 9 April 1966, the representative of Uganda, disagreeing with the representative of the United Kingdom on the interpretation of Article 28 of the Charter and rule 2 of the provisional rules of procedure, stated:

"I think that Article 28 has been misinterpreted. The word 'continuously' there, which I presume is the operative word, does not really mean 'continuously' in the usual sense. The Security Council does not sit or function without stop: it does stop from time to time, until it is called upon to reconvene by the President.

"As regards rule 2 of the provisional rules of procedure, there it is laid down that the President shall call a meeting of the Security Council when it is requested. It is obvious here that the President has absolute discretion as regards the timing of the meeting. The President has a responsibility not only to the majority of members of the Security Council; he has to consult with them. That is, in fact, precisely what the President was doing . . ."

He added that, since the question of Southern Rhodesia was a matter of extreme importance to the African States, African representatives had to consult their Governments, and the President, in his discretion, was very wise in making such consultations possible, and in not calling a meeting before that day.

The representative of the USSR, after noting that the President had acted in full conformity with the rules of procedure, stated:

"It is well known that in accordance with rule 2 of the provisional rules of procedure, the President shall call a meeting of the Security Council at the request of any member of the Security Council. Following firmly established practice, the President usually consults all members of the Council about the time of the meeting and takes a decision on that question, with due regard for all the circumstances and without any undue delay."

He observed that in the course of the consultations on the convening of the meeting held by the President, delegations' views on the exact date and time of the meeting differed, noting that many years of experience of the work of the United Nations showed that such differences of opinion arose almost every time the Council was to be convened. He added:

"The President naturally had to weigh all the circumstances, since it was obvious that differing views had

<sup>4</sup> S/7238, *ibid.*, pp. 30 and 31.

<sup>5</sup> *Ibid.*, p. 30.

<sup>6</sup> S/7240, *ibid.*, p. 31.

<sup>7</sup> S/7241, *ibid.*, p. 32.

## CASE 2

been expressed on this question . . . not on the question of convening a meeting as such, because no one objected to a meeting of the Council being convened, but on the question of the day and exact hour for beginning the Council's work. In the final analysis . . . the President, after listening to and consulting with all, has the right to determine the day and hour when a meeting of the Council is to be convened at his own discretion and on his own responsibility, of course within a reasonable period.

"That has been the practice in the past and that is the practice which we followed in this case. Obviously, we must follow the same practice in the future."

At the 1277th meeting, held on the same day, the representative of New Zealand, disagreeing with the representative of Uganda and the USSR, noted:

"In the view of my delegation, rules 1 and 2 of the provisional rules of procedure, and underlying them, Article 28 of the Charter, are fundamental. On the one hand, in rule 1, the President is empowered to convene the Council at any time he deems necessary. Under rule 2, the President is obliged to call a meeting at the request of any Council member. This obligation is mandatory, not permissive. The one element of discretion given to the President is the precise timing. Here, courtesy has led to the practice of the President consulting Council members to ascertain their convenience, especially in the case of requests to which urgency is not attached. But it cannot be held that the consent of all members, or necessarily a majority, is required in such a process of consultation, although, of course, we may hope that the convenience of members may be accommodated so far as is consistent with the obligations of the Council under the Charter.

" . . . it is established in the procedure and in practice that a request from any member of the Council for an urgent meeting must be acted upon promptly. We regard this as being of the utmost importance in the preservation of international peace and security . . ."

He noted that in the present instance, in spite of the request for an urgent meeting of the Council, for which almost all members consulted had been willing to meet at the time requested, the meeting was fixed at a much later date on which, moreover, most Council members had not been consulted. He added:

"If this Precedent were to be followed it could not fail to impair most seriously the ability of the Council to fulfil its task under the Charter and to function as the organ of the United Nations charged with primary responsibility for the preservation of international peace and security."

The representative of Argentina expressed reservation about the procedure followed in the convening of the meeting and stated that logic and experience of the Council showed that a period of twenty-four hours was sufficient for consultation, the receipt of instruction and the determination of at least a preliminary position in the debate. But a delay for more than twenty-four hours, he pointed out, caused some concern which was likely to create doubt about the procedures followed in convening a meeting that had been requested with extreme urgency.<sup>8</sup>

<sup>8</sup> Subsequently, the question of the convening of this meeting was made the subject of an exchange of communications between the representative of the United States and the President of the

Towards the conclusion of the 1304th meeting, held on 13 October 1966, in connexion with the complaint

Security Council. The representative of the United States, in a letter dated 21 April 1966 addressed to the President of the Security Council, expressed the view of his Government that rule 2 of the provisional rules of procedure was mandatory and did not give the President the choice of convening or not convening the Council when a member so requested. A number of instances were cited in support of this viewpoint. The letter stated:

"1. The Security Council is given primary responsibility for the maintenance of international peace and security, according to Article 24 of the United Nations Charter, 'in order to ensure prompt and effective action'. It is required by Article 28 to be 'so organized as to be able to function continuously'. These two Articles established the responsibility of the Council to be available for emergency action to maintain peace and security. The provisional rules of procedure of the Security Council are designed and must be interpreted so as to ensure that the Council can fulfil the responsibilities these Articles place upon it.

"2. The dominant paragraph of the provisional rules of procedure of the Security Council accordingly is rule 2, which states that 'The President shall call a meeting of the Security Council at the request of any member of the Security Council'. The rule is mandatory and does not give the President the choice of convening or not convening the Council when a member so requests.

" . . .  
"Even if a majority of Council members are opposed to a meeting, the meeting must be held. Those members opposed to the meeting may express their views on the agenda when the meeting is convened, may seek to adjourn the meeting, or to defeat proposals submitted to it, but the President is bound to convene the Council on a request under rule 2, unless that request is not pressed.

"3. Subject to rule 2, the President is given, under rule 1, the authority and responsibility to set the time of a meeting. In so doing, the President acts not as a representative of his country but as a servant of the Council, and he does not exercise an arbitrary or unfettered discretion. His decision must be related to the requirements of Articles 24 and 28 of the Charter and of rule 2 of the provisional rules of procedure, and to the urgency of the request and situation. A request for an urgent meeting must be respected and decided upon on an urgent basis, and the timing established responsive to the urgency of the situation."

The letter pointed out that the President of the Council had customarily consulted, and was expected to consult, members of the Council on their views as to the timing of a meeting; in circumstances of emergency, he might also convene the Council without consultation if such consultation would result in inadvisable delay. It added:

"In either case it is his responsibility to set the time of the meeting in keeping with the urgency of the request and of the factual situation. The President's obligation to act promptly on urgent requests is, of course, further underlined if on consultation he finds that a majority favour an immediate convening of the Council.

"Although the President may receive views on scheduling a meeting from non-members of the Council whose interests are 'specially affected', notably parties to a dispute before the Council, the views of the members must be guiding, as they are on all procedural questions in the Council."

In referring to the circumstances in which the President had been requested to convene the Council meeting on 7 April, the letter observed that the delay in convening the requested meeting did not meet the criteria for convening a Council meeting "under conditions of urgency", and could not be accepted as precedent for the future. The United States representative, the letter concluded, would have stated those views in the Council, but had refrained from doing so "in the interests of more rapid attention to the business at hand", while expressing the wish that those views be referred to the appropriate office of the Secretariat for inclusion in the *Repertoire*.

by the Democratic Republic of the Congo, the President (United Kingdom) made a statement that it would be for the Council members to decide when to resume consideration of the question in the light of the various factors that had to be taken into account with regard to its timing. From preliminary consultations he had undertaken, he understood that most members would be prepared to meet late that afternoon. He added that there were still a large number of representatives to be heard on that question, that a morning and an afternoon meeting had been called for the next day to deal, respectively, with a complaint by Israel,<sup>9</sup> and with admission of new members, and that the Foreign Minister of the Congo had expressed the hope that the Council could

conclude its consideration of the Congolese complaint in the course of the week.

Discussions followed in which the representatives of Nigeria, the United States, Uganda, the USSR, Jordan, Bulgaria, New Zealand, Mali and France expressed their views relating to the proper timing for the next meeting and the order of priority of matters to be given at the scheduled meetings.

The President, after hearing the views of those representatives, observed that he had called the two meetings for the next day in exercise of his authority as Council President. He further stated:

"I did so after consultation with my colleagues. I think it is an important principle that when a meeting of the Council is called on a matter said to be urgent, the meeting should be convened without delay except when there is a special or overriding reason to the contrary.

"This is an important principle to which I have had occasion to refer in the past. It was for that reason that, after consultation, I called a meeting of the Council to deal with the complaint of Israel tomorrow morning. Having taken that decision after consultation, and after consideration of all factors in the matter, I feel that it must stand."

The President also explained the reason for the timing of the meeting on the admission of new Members and after noting that that meeting should not last long, announced that the consideration of the complaint by the Democratic Republic of the Congo should be resumed thereafter. He concluded:

"Since this is a matter which I think lies within my discretion, I will so direct and I would hope that members would understand that the decision I take is one which is taken in my best judgement after hearing the views expressed and having consulted with members previously on the two meetings fixed for tomorrow."

At the 1305th meeting, convened the following day to consider the complaint by Israel, some representatives expressed their views on the propriety of interrupting the consideration of the complaint by the Democratic Republic of the Congo, and on the question of the agenda<sup>10</sup> for that meeting.

The representative of the USSR, after observing that his delegation was among those who had stressed the need for an uninterrupted consideration of the complaint by the Democratic Republic of the Congo, stated that a study of the facts and documents relating to Israel's complaint against Syria, did not convince his delegation that it was an urgent and pressing problem which had to take precedence over the consideration of the Congolese question.

Furthermore, the representative of Israel had informed him that Israel, for its part, had no intention of asking for a meeting of the Security Council. He added:

"It was therefore all the more strange that the President took the unilateral decision to convene the Security Council immediately, despite the fact that the

The President of the Security Council (Mali), in his reply dated 29 April 1966, drew attention to the consultations that had been held prior to the convening of the Council meeting, which he considered to be in accordance with the Council practice and the authority of the Council President to set the timing of a meeting. He observed:

"The President of the Security Council considers that he acted entirely in accordance with the provisional rules of procedure of the Security Council and particularly with rule 2, which states that 'The President shall call a meeting of the Security Council at the request of any member of the Security Council'. Consequently, there was no infringement of the rules of procedure — nor could there be any — with respect to the request of the Deputy Permanent Representative of the United Kingdom."

He then noted that he had not convened the Security Council for 5 p.m. as stated in the letter of the United States representative. If he had done so, he stated, all fifteen members of the Council, rather than eight, would have been present at that time. He added:

"It is customary for the President to hold consultations with all the members of the Security Council in order to call the meeting of the Council at the earliest convenient time. Those important consultations were therefore held in accordance with the established practice.

"You will be aware of the fact that, while some members of the Security Council were prepared for an immediate meeting, others were not. Proof of that — to cite only one instance — will be found in the statement of the Nigerian representative during the discussions in the Council on 9 April 1966 [1277th meeting].

"The President was pleased to note in paragraph 4 of the statement of views contained in your letter the remark that 'The President customarily has consulted and is expected to consult members of the Council on their views as to the timing of a meeting. . .', and the further statement that. . . 'In either case it is his responsibility to set the time of the meeting in keeping with the urgency of the request and of the factual situation.'

"As soon as he received the request of the Deputy Permanent Representative of the United Kingdom for a meeting of the Council, the President, exercising the prerogatives which you yourself, in the paragraph referred to above, recognize that he possesses, held immediate consultations with a view to fixing an appropriate time for the Council meeting.

"Consequently, the President cannot think that the procedure followed at the latest meeting of the Security Council can be regarded as setting a precedent."

The President then requested the Secretariat, in addition to circulating the letter as a Council document, to have it included in the *Repertoire*.

For texts of the two communications, see, respectively, S/7261 and S/7272, *OR*, 21st yr., *Suppl. for April-June 1966*, pp. 46-49 and 62-63.

For texts of relevant statements, see:

1276th meeting; Uganda, paras. 40 and 41; USSR, paras. 82-84; 1277th meeting; Argentina, paras. 37-39; New Zealand, paras. 6-10.

<sup>9</sup> S/7540, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 28 and 29.

<sup>10</sup> For discussions relating to the agenda of the meeting, see Chapter II, Case 9.

members of the Council were divided and that it was not clear which was the majority view.

"We consider it necessary again to draw the attention of the President and members of the Security Council to this circumstance. We believe that such precedents can hardly strengthen the authority of the Council or of its President. We hope that in deciding such questions in the future greater heed will be paid to the wishes of the Council's members and the consideration advanced by them."

The representative of Uruguay referred to rules 1 and 2, and to other rules relating to the agenda of the Council, in support of the convening of the Council by the President and of the wording of the provisional agenda for that meeting. After quoting rule 1, which in his view "gives the President . . . discretionary powers", and rule 2, which he considered to be "categorical, not optional or discretionary", as well as rules 7, 8 and 9, the representative of Uruguay stated:

"In short, if we make an elementary legal interpretation of these provisions, we shall come to the conclusion that the President has acted in accordance with the powers vested in him."

The representative of Uganda, after noting that he believed the majority of Council members agreed to continuing the debate on the complaint by the Democratic Republic of the Congo, stated:

"I am aware of the fact that the provisional rules of procedure give you absolute discretion when it comes to convening meetings of the Security Council. Rules 1 and 2 . . . are definitely in your favour. But I think there is a slightly fuzzy area here on which I myself would ask for your clarification and ruling, and this concerns the question of whether, when there is already an issue before the Council, the President has the power to superimpose another item on the agenda. Does the President have the power to decide which item should take priority over another item? In other words, does the President have the power, without consulting the members of the Security Council and gaining their support, to stop one meeting and go on with another meeting?"

The representative of Mali expressed regret that consideration of another question at that meeting would mean interruption of the consideration of the complaint by the Democratic Republic of the Congo, which could have been resumed without difficulty had the appeal of the African States been heeded. He added, however, that they had

"the utmost respect for any decision by the President, who has discretionary powers to convene the Council after consultations, taking into account the need to expedite our work, and the importance of the problem before us."

The President reaffirmed in substance the views he had expressed at the 1304th meeting and noted that the decision to convene the current meeting to consider the complaint by Israel had not been challenged.

There being no objection to the adoption of the agenda, the Council proceeded to consider the complaint by Israel.<sup>11</sup>

<sup>11</sup> For texts of relevant statements, see:

1304th meeting: President (United Kingdom), paras. 124-125, 128-130, 135, 151-154; Bulgaria, para. 142; France, paras. 148-

## CASE 3

Before the adoption of the agenda at the 1341st meeting, held on 24 May 1967, in connexion with the situation in the Middle East (I), the President (China) stated that he regretted that circumstances did not permit him to have fuller consultations with Council members personally and individually as he would have liked to do. He continued:

"In view of the urgency of the request for a meeting and in accordance with the precedents of the Council, I felt that I had no alternative in the circumstances but to call a meeting this morning. I hope that my colleagues will not consider my action in any other light than as indicating my desire to serve the Council to the best of my ability."

Some members questioned the urgency with which the Council had been convened. In explaining their views, three of those members also touched on the question of procedure by which the President had convened the meeting.

The representative of India observed that what was involved in calling a meeting was not merely the convenience of Council members but also the consideration to be given to the political aspects of a problem brought to the attention of the Council. Prior informal consultations, "which invariably precede the decision to hold any meeting of the Council", he added, would clarify those aspects. He continued:

"It is for the latter reason that that practice [of prior consultations] has grown to be a time-honoured one in this Council. Naturally, we are unhappy that there has been an attempt to ignore that practice and bypass it. Let me say . . . that, had we been consulted, our advice would have been against the holding of this meeting of the Council this morning."

The representative of Ethiopia noted that while he would not oppose the consideration of the problem before the Council if the members so desired, he shared the regret expressed by the representative of India that the traditional consultations with Council members "that are usually held in important matters having to do with the convening of the Council" had not taken place. He concluded that the tradition of prior consultation was not a mere formality, but an "exercise aimed at seeking the co-ordination and harmonization so essential to such work in the Council."

The representative of Nigeria stated that he found himself in the same position, in regard to the meeting, as the representative of Ethiopia.

Following the statement by the representative of Nigeria, the Council adopted the agenda and proceeded to consider the situation in the Middle East (I).<sup>12</sup>

## CASE 4

At the 1353rd meeting on 9 June 1967, in connexion with the situation in the Middle East (I), the represen-

150; Jordan, para. 141; Mali, paras. 145-156; New Zealand, paras. 143 and 144; Nigeria, para. 126; Uganda, paras. 132-134; USSR, paras. 138-140; United States, para. 131; 1305th meeting: President, paras. 121-125; Mali, para. 71; Uganda, paras. 65 and 66; USSR, paras. 2-8; Uruguay, para. 39-46.

<sup>12</sup> For texts of relevant statements, see:

1341st meeting (PV): President (China), pp. 2, 36; Ethiopia, pp. 31 and 32; India, p. 26; Nigeria, p. 32.

tative of the USSR inquired about the reasons for a delay in the convening of that meeting.

The President (Denmark) stated in reply:

"I would say that first I had consultations on one particular matter on which I also consulted the representative of the Soviet Union. I was later asked by one of the members of the Council whether he could have a little delay, because he wanted to talk with the head of his Government.

"I have on earlier occasions, in accordance with the courtesy that I thought I owed to the members of the Council, granted such delays to other members, including the representative of the Union of Soviet Socialist Republics, and I have done so without informing any member of the reason why I had granted the delays."

Upon further inquiry, the President informed the Council that the request for the delay had been asked by the representative of the United States. The Council then heard brief statements by the representatives of the

USSR and the United States, after which it proceeded with its business.<sup>13</sup>

<sup>13</sup> For texts of the statements, see:

1353rd meeting (PV): President (Denmark), pp. 7, 8-10; USSR, pp. 7, 8-10, 11; United States, p. 11. At several subsequent meetings in connexion with this question, the President (Denmark) provided an explanation on the timing of the meeting. Thus at the 1354th meeting on 10 June 1967, he informed the Council that at two o'clock in the morning of that day the representative of Syria had requested him to convene an urgent meeting in view of the deteriorating situation in the Middle East. He had convened the meeting in the light of the understanding among Council members at the time of adjournment the night before that they would hold themselves available for an urgent meeting at any time. At the 1356th meeting held on the same day, the President in explaining the time of the meeting also referred to a prior understanding among members that they would be available for an urgent meeting in case of an emergency situation. At the 1358th meeting on 13 June 1967, the President announced that the Council meeting which had been scheduled for the day before had been postponed after consultations with Council members, and that the current meeting, held at the request of the representative of the USSR, was convened at the time requested after consultations with Council members. For texts of relevant statements, see 1354th meeting (PV), p. 3; 1356th meeting (PV), pp. 6-10; 1358th meeting (PV), pp. 3-5.

## Part II

### REPRESENTATION AND CREDENTIALS (RULES 13-17)

#### NOTE

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

During the period under review, the question was raised in one instance whether under rule 15 the approval by the Security Council of the reports of the Secretary-General meant an explicit approval or a tacit one. Discussions on the question led to a request by the Council to the Secretary-General for information on the Council's recent practice on credentials. A report thereon was subsequently submitted by the Secretary-General (Case 5).

In another instance, the Council, having heard allegations of an illegal occupancy of the seat of a Council member and replies made thereto, proceeded with its conduct of business without taking a decision on the question (Case 6).

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

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

##### Rule 13

##### CASE 5

At the 1341st meeting on 24 May 1967, in connexion with the situation in the Middle East (I), the representative of the USSR stated that his delegation deemed it

necessary to confirm the position of principle of the USSR with respect to "the illegal nature of a procedure by which the Chiang Kai-shek people occupy the seat of China in the United Nations, including the Security Council, a seat which . . . rightfully belongs only to the People's Republic of China".

Also the representative of Bulgaria noted that his delegation considered illegal "the occupation of the seat of the People's Republic of China in the United Nations, and the Security Council in particular, by the Chiang Kai-shek clique and its representatives".

The President (China), in his reply to the statement of the representative of the USSR, stated that "there could be no question as to the right of the Republic of China, as a Member State in good standing, to send representatives to the competent organs of the United Nations . . . and in this case, under specific provisions of the Charter".

The representatives of other Council members, including India, France, the United States and Denmark, also expressed their views on this question. The representative of India stated that his delegation continued to support "the right of the People's Republic of China to be represented in the United Nations". The representative of France recalled that in the opinion of his Government, "only the Central People's Government of the People's Republic of China is competent to represent that country". The representative of the United States noted that his Government continued to hold that "the Republic of China, a founding member of the United Nations named in the Charter", was properly represented in the Council by its present representative, and noted that the latter had "represented his country in the Security Council . . . since 1962, when his credentials were formally presented to the



Council and were not challenged". The representative of Denmark noted that in his Government's view, "only the representatives of the People's Republic of China are entitled to occupy the seat of China" in the United Nations.

The Council proceeded with its meeting without, however, taking a decision on the question of representation.<sup>14</sup>

### Rule 15

#### CASE 6

Before the adoption of the agenda of the 1387th meeting, held on 25 January 1968 in connexion with the question of South West Africa, the representative of Algeria, speaking on a point of order, raised the question whether the approval by the Security Council of the Secretary-General's reports on the credentials of Council members under rule 15 meant a tacit approval, or whether such reports needed the explicit approval of the Council.

The President (Pakistan) stated in reply that the reports on the credentials of representatives of member States were circulated by the Secretary-General as member States took their seats in the Council. He noted that it had not been the practice for some time to take up the question of credentials in the Council. He added, however, that he would give the floor to any Council member who wished to make an observation on the question of credentials.

The representative of Algeria then observed that while the practice with regard to the reports of the Secretary-General had been that of tacit approval, the Council should give an explicit approval of such reports in the presence of an observation or objection. He expressed the view that rule 15 must be read in the context of the whole of chapter III of the provisional rules of procedure. After quoting rule 17, he stated:

"Thus [under rule 17], if any delegation raises objections with regard to the credentials of one or several representatives in the Security Council, it goes without saying that the Security Council must take a decision on the matter."

The representatives of the USSR and France, expressing their views on the matter, supported the interpretation given by the representative of Algeria.

Following a further exchange of views between the President and the representative of Algeria on the clarification needed with regard to the interpretation of the rules relating to credentials, the President announced that he would request the Secretary-General on behalf of the Council to provide it with some information on the recent practice of the Council in regard to the credentials of all members of the Council.

In pursuance of this request of the Council, the Secretary-General submitted a report<sup>15</sup> on 26 January 1968, the pertinent parts of which were as follows:

...

"2. After the adoption on 9 April 1946 of rules 13 to 17 of the provisional rules of procedure of the Security Council, and up to 1948, the Security Council followed the practice of including in the provisional agenda the report submitted by the Secretary-General in accordance with rule 15 regarding his examination of the credentials of representatives on the Council, and, after the adoption of the agenda, of approving the credentials, if there had been no objection. Since 1948, the reports of the Secretary-General on credentials have not appeared on the provisional agenda of the Security Council. As the Council is aware, in accordance with rule 7 of the rules of procedure, the provisional agenda for meetings is drawn up by the Secretary-General and approved by the President of the Council. Since 1948, the reports of the Secretary-General have been circulated to all delegations on the Council and, in the absence of any request that they be considered by the Council, have been considered approved without objection.

"3. In practice, the credentials under rule 13 have been submitted, and reported on by the Secretary-General, only at times when changes in the representation of members of the Council have been made, and of course when at the beginning of each year the representatives of the newly elected non-permanent members of the Security Council are designated. This practice has continued up to the present and there have been very few instances where questions have been raised concerning the credentials of members of the Security Council.

"4. On several occasions, starting in January 1950, questions have been raised in the Council in connexion with the representation of China, but these have generally not made specific reference to reports on credentials and would appear instead to have concerned the question of the proper authority to submit such credentials.

"5. The clearest case involving the credentials of a member of the Security Council was in connexion with the representation of Iraq at the 827th and 834th meetings of the Council on 15 and 18 July 1958. In that instance, the President interpreted rule 17 as indicating that the representative of Iraq, who had been occupying the seat of Iraq, should continue to sit in that seat with the same rights as other representatives, until the Council arrived at another conclusion. Following the submission of a further report on the credentials of the representative of Iraq by the Secretary-General on 6 August 1958 [S/4080] and the receipt of a letter from the previous representative dated 5 August 1958 [S/4081], a new representative of Iraq was seated at the 838th meeting of the Council on 7 August 1958."

The Secretary-General, recalling the statement of the President at the 1387th meeting that his report should include the status of the credentials of all members of the Security Council, listed the reports he had submitted to the Council with regard to the credentials of all fifteen of its members. He then concluded his report as follows:

"8. Noting that there was no objection at the 1387th meeting of the Council on 25 January 1968 to the Secretary-General's reports on the credentials of the new members of the Council whose term of office commenced at the beginning of this year, it would

<sup>14</sup> For texts of relevant statements, see:

1341st meeting (PV): President (China), pp. 7-10; Bulgaria, p. 16; Denmark, p. 36; France, p. 27; India, pp. 22-25; USSR, p. 6; United States, pp. 28-30.

<sup>15</sup> S/8365, O.R., 23rd yr., Suppl. for Jan.-March 1968, pp. 143-145.

appear, in accordance with the established practice, that they were approved in the usual manner.”

At the 1390th meeting on 16 February 1968, when the Council resumed discussion of the question of South West Africa, the representative of Algeria inquired, before the adoption of the agenda, as to when the Council would consider the report of the Secretary-General. The President stated in reply that while members of the Council had the right to request consideration of any question, including any report which the Security Council had requested from the Secretary-General, the Council, in view of the importance of the question then before it,

should at that meeting consider only the question on the provisional agenda.<sup>16</sup>

The Council then adopted its agenda<sup>17</sup> and proceeded with the consideration of the question of South West Africa, without pronouncing itself on the report of the Secretary-General on the question of credentials.

<sup>16</sup> For texts of relevant statements, see:

1387th meeting (PV): President (Pakistan), pp. 7-21; Algeria, pp. 6, 7-10, 11, 16, 17-20; France, p. 21; USSR, pp. 17-20;

1390th meeting (PV): President (Paraguay), p. 6, 7 (corr. 1); Algeria, p. 6.

<sup>17</sup> 1390th meeting (PV): p. 7.

### 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 has been no instance of special application or interpretation of rule 18, which deals with the monthly rotation of the presidency of the Council in the English alphabetical order of the names of its members.

Instances covered in this part of the chapter are mainly concerned with rule 19, including those in which the President had held consultations with Council members in between Council meetings with a view to reaching an agreement on measures to be adopted by the Council<sup>17a</sup> (Cases 7, 9, 10, 13, 14, 15, 16, 17 and 18), those in which the President expressed the consensus of the members in the course of a meeting (Cases 11 and 12), and one instance, in which the President suggested a procedure by which the Council, after hearing the initial statements by the parties, would immediately adjourn to allow for informal consultations on the proper course of action to be taken by the Council (Case 8).

There was one instance in which the President, acting under rule 20, invited the representative of a Council member next in alphabetical order to preside over a meeting which dealt with a question considered by the President to warrant the application of the rule (Case 19).

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

There was one occasion during the period under review, on which the President informed Council members of

<sup>17a</sup> During the period under review, the Security Council has had frequent resort to informal consultations as a procedure for facilitating the reaching of its decisions. Informal agreements resulting from such consultations have generally been presented to the Council by the President in the form of a statement of consensus or a draft resolution, which the Council, at its formal meeting, would then approve without further debate. See, further, cases referred to above.

a consensus through the circulation of a document containing a statement which reflected that consensus.<sup>18</sup> In another instance,<sup>18a</sup> the President in a letter circulated to Council members reported on the results of informal consultations he had conducted with members in pursuance of a Council decision; subsequently, objections were expressed by some Council members to this procedure, as well as to the substance of the letter<sup>18b</sup>.

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

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

<sup>18</sup> On 8 December 1967, in connexion with the situation in the Middle East (II), the President (Nigeria) circulated a document in which he transmitted the views of Council members on the report of the Secretary-General of 31 October 1967 relating to the observation of the cease-fire in the Suez Canal sector. He noted that after consultations with Council members, there was no objection to the transmittal of the following statement as reflecting the view of Council members:

“As regards document S/8053/Add.3, brought to the attention of the Security Council, the members, recalling the consensus reached at the 1366th meeting on 9 July 1967, recognize the necessity of the enlargement by the Secretary-General of the number of observers in the Suez Canal zone and the provision of additional technical material and means of transportation.” For report of the Secretary-General, see S/8053/Add.3 and 4, *OR*, 22nd yr., *Suppl. for Oct.-Dec.*, 1967, pp. 76-79. For text of the relevant statement by the President, see S/8289, *ibid.*, pp. 316-317.

<sup>18a</sup> In connexion with the situation in Viet-Nam.

<sup>18b</sup> For texts of the letter from the President and subsequent communications relating thereto, see: letter dated 26 February 1966 from the President of the Security Council to the Secretary-General, S/7168, *OR*, 21st yr., *Suppl. for Jan.-March 1966*, pp. 178-180; letter dated 28 February 1966 from the representative of France to the President of the Security Council, S/7173, *ibid.*, p. 184; letter dated 3 March 1966 from the representative of Bulgaria to the President of the Security Council, S/7174, *ibid.*, pp. 184-185; letter dated 1 March 1966 from the representative of the USSR to the President of the Security Council, S/7175, *ibid.*, pp. 186-187; and letter dated 2 March 1966 from the representative of Mali to the President of the Security Council, S/7162/Rev.1, *ibid.*, pp. 187-188.

## a. Rule 19

## CASE 7

At the 1299th meeting on 15 August 1966, in connexion with the complaint by the United Kingdom, the President announced that there were no more speakers at that stage of the debate and that the Council would adjourn till the following day to enable Council members to hold further consultations.<sup>19</sup>

At the 1300th meeting, held the next day, the President stated:

"Members will recall that the Council was adjourned yesterday for the express purpose of giving an opportunity to members to consult informally on the question before the Council. I am now glad to report to you the results of this consultation and I shall read to you an agreed statement which has the support of all the parties concerned."

He then read out the following statement.<sup>20</sup>

"The President, having noted that the debate which took place has its origin in a complaint presented by the representative of the United Kingdom (S/7742) and that the elements on which the complaint is founded are contested by the United Arab Republic and Yemen and that the statements made by the members of the Council have not been able to produce at this stage a constructive solution, believes that he is authorized to ask the parties concerned each on his part to contribute in lessening the tension and to invite the Secretary-General to continue his good offices in an endeavour to settle the outstanding question in agreement with the parties concerned."

## CASE 8

At the 1347th meeting on 5 June 1967, in connexion with the situation in the Middle East (I), the President (Denmark), after referring to the communications he had received that day from the representatives of Israel and the United Arab Republic, informed the Council that the two representatives had asked to make statements. He then suggested that the best course to follow under the circumstances

"... would be for the Council to hear the two parties and then to have a short recess for urgent consultations among the members as to the course of action to be taken by the Council in this emergency situation."

The Council accepted the President's suggestion, and following statements by the representatives of Israel and the United Arab Republic, adjourned its meeting.

When the meeting was resumed in the evening, the President drew attention to supplementary information submitted by the Secretary-General relating to the developments in the Middle East, following which he stated:

"I do wish to apologize to members of the Council for having kept them waiting most of the day. I had hoped indeed that the recess would be considerably shorter. However, consultations are still going on... and will continue tomorrow morning."

He then announced that it was the wish of members to adjourn the meeting till the next morning, and asked

<sup>19</sup> 1299th meeting, para. 9.

<sup>20</sup> For text of the relevant statement, see 1300th meeting, para. 2.

them "to hold themselves available for consultations about an hour before the scheduled time of the meeting tomorrow morning."

The Council was accordingly adjourned.<sup>21</sup>

## CASE 9

At the 1348th meeting on 6 June 1967, in connexion with the situation in the Middle East (I), the President (Denmark) informed the Council that since it had last met in the morning of 5 June, members had been continuously engaged in consultations. Those consultations, he noted, had resulted in a unanimous agreement on a draft resolution which the President then presented to the Council "in his capacity as President of the Council". Under the draft resolution,<sup>22</sup> the Security Council would call upon the Governments concerned to take forthwith all measures for an immediate cease-fire and for a cessation of all military activities in the area concerned, and request the Secretary-General to keep the Council promptly and currently informed on the situation.

Following the President's suggestion,<sup>23</sup> the Council proceeded to vote on the draft resolution without debate, and adopted it unanimously.<sup>24</sup>

## CASE 10

At the 1352nd meeting on 9 June 1967, in connexion with the situation in the Middle East (I), the President (Denmark) announced, after the Council had heard the report of the Secretary-General on the hostilities in the Middle East and statements by the representatives of Syria and Israel, that he had consulted all Council members and discerned an agreement that

"before we proceed with our business, we ought, in the present situation, to adopt urgently a resolution demanding that hostilities cease forthwith."

Accordingly, in his capacity as President of the Council, he presented a draft resolution<sup>25</sup> by which the Council would, *inter alia*, demand hostilities to cease forthwith, and request the Secretary-General to make immediate contacts with the Governments of Israel and Syria to arrange for an immediate compliance with previous Council resolutions calling for a cessation of hostilities.<sup>26</sup>

The Council adopted the draft resolution unanimously.<sup>27</sup>

## CASE 11

At the 1353rd meeting on 9 June 1967, in connexion with the situation in the Middle East (I), the representative of France suggested, following a statement by the Secretary-General on ways and means to facilitate the collection of information in the areas where hostilities had occurred, that a motion might be made by the Presi-

<sup>21</sup> For text of the relevant statement, see 1347th meeting (PV), pp. 16, 20, 31.

<sup>22</sup> Text same as resolution 233 (1967) of 6 June 1967.

<sup>23</sup> For text of the relevant statement, see 1348th meeting (PV), pp. 3-5.

<sup>24</sup> *Ibid.*, p. 6.

<sup>25</sup> Text same as resolution 235 (1967) of 9 June 1967.

<sup>26</sup> For text of the relevant statement, see 1352nd meeting (PV), pp. 21-22.

<sup>27</sup> *Ibid.*, p. 22.

dent himself, which would reiterate the substance of the suggestion made by the Secretary-General.<sup>28</sup>

The representative of the USSR had earlier in the meeting also expressed support for the efforts of the Secretary-General asking Israel to restore normal conditions for the work of the United Nations Observers. Furthermore, he formally moved that the Council adopt a suggestion made by the representative of Israel\* that the Secretary-General immediately give instructions to the Chief of Staff of the United Nations Military Observers to visit the regions referred to by the representative of Syria and report to the Security Council without delay.

The President (Denmark), in response to the suggestion made by the representative of France, asked the Council whether on the basis of the statement of the Secretary-General and the motion made by the representative of the USSR, a formula along the following lines could be acceptable to the Council:

"... that we request the parties concerned to extend all possible co-operation to the United Nations observers in the discharge of their responsibilities; that we request the Government of Israel to restore the use of the Government House in Jerusalem to General Odd Bull and to re-establish freedom of movement for United Nations observers in the area: and that we then decide to adjourn and to decide the time and date of the next meeting after consultations with members as soon as, and without any delay, I have the information required from the Secretary-General, it being understood of course that the members of the Council will hold themselves available for any urgent meeting at any time should we be faced with an emergency situation again."

After the representative of the USSR suggested that the latter part of the President's formula should be made more specific by indicating that the Council should meet again in any case not later than the next morning, and after the representative of Israel confirmed that his Government would give every opportunity to the United Nations to facilitate investigations, the President summed up the consensus of the Council members as follows:<sup>29</sup>

"In these circumstances it appears that we all agree that we should request the parties concerned to extend all possible co-operation to United Nations Observers in the discharge of their responsibilities, that we should request the Government of Israel to restore the use of Government House to General Odd Bull, and should ask the parties to re-establish freedom of movement. I believe we are also agreed that the time and date of the next meeting will be decided after consultation with members and as soon as I have the information from the Secretary-General."

#### CASE 12

Towards the conclusion of the 1366th meeting, held on 9 July in connexion with the situation in the Middle East (I), the President (Ethiopia), having announced

that there were no more speakers for that meeting, submitted what he considered to be a consensus of the Council members on the matter at hand.

He pointed out that, in the light of resolutions 233 through 236, the need for a scrupulous observance by all parties of the provisions of those resolutions, the statements of the Secretary-General as well as the suggestions made to the parties concerned by the President, he would be reflecting the view of the Council,

"that the Secretary-General should proceed, as he has suggested in his statements before the Council on 8 and 9 July 1967,<sup>30</sup> to request the Chief of Staff of UNTSO, General Odd Bull, to work out with the Governments of the United Arab Republic and Israel, as speedily as possible, the necessary arrangements to station United Nations Military Observers in the Suez Canal sector under the Chief of Staff of UNTSO." As there was no objection, the President declared the consensus adopted by the Council.<sup>31</sup>

The President then made a brief statement on the consensus just reached in which, among other things, he assured the Secretary-General of the Council's full support in his efforts to carry out the task entrusted to him, and appealed to the parties concerned "to give to the Secretary-General their full support and whole-hearted co-operation both in ensuring full compliance with the Council's decisions and extending, wherever necessary, such facilities as the Secretary-General or his personnel may require in the performance of their peace-keeping duties in the area".<sup>32</sup>

#### CASE 13

At the opening of the 1371st meeting, held on 25 October 1967, to continue consideration of the situation in the Middle East (II), the President (Japan) announced:

"The Security Council will now continue the discussion of the item on the agenda. I apologize for having delayed members for so long but, as a result of consultations which were held this morning and this afternoon, after the adjournment of our last meeting, I am happy to be able to announce that agreement has been reached on the text of a draft resolution."

He then read out the text of the draft resolution<sup>33</sup> by which the Council would condemn the violation of the cease-fire in the Middle East, regret the casualties and the loss of property resulting from the violations; reaffirm the necessity of strict observance of the Council cease-fire resolutions; and demand of the Member States concerned that they immediately cease all prohibited military activities in the area, and co-operate fully and promptly with the United Nations Truce Supervision Organization.

In the absence of objection to giving priority to the draft resolution, the Council proceeded to vote on it, and adopted it unanimously.<sup>34</sup>

<sup>28</sup> See part IV, Cases 27 and 28.

<sup>29</sup> 1366th meeting (PV), p. 71.

<sup>30</sup> For text of the relevant statement, see 1366th meeting (PV), pp. 71-72.

<sup>31</sup> Text same as resolution 240 (1967).

<sup>32</sup> For text of the relevant statement, see: 1371st meeting (PV): President, pp. 2-6.

<sup>28</sup> On the statement of the Secretary-General, see Case 20 below.

<sup>29</sup> For texts of the relevant statements, see: 1353rd meeting (PV): President (Denmark), pp. 102-105, 106, 107; Bulgaria, p. 106; France, pp. 98-101; USSR, pp. 91, 102, 103-105; United Kingdom, p. 101.

## CASE 14

At the 1383rd meeting on 24 November 1967, in connexion with complaint by the Government of Cyprus, the Security Council adjourned for consultations after it had heard statements by the parties concerned and some members of the Council listed as speakers for that meeting. When the Council resumed its meeting in the afternoon of the same day, the President announced that as a result of those consultations, he had been authorized to make the following statements on behalf of the Security Council.<sup>35</sup>

"The Council has now acquainted itself with the position of the parties directly concerned. It is gravely concerned in view of the tense and dangerous situation with regard to Cyprus. The Council notes with satisfaction the efforts undertaken by the Secretary-General to help maintain peace in the region and calls upon all the parties concerned to show the utmost moderation and restraint and to refrain from any act which might aggravate the situation in Cyprus and constitute a threat to the peace. The Security Council further requests all concerned urgently to assist and cooperate in keeping the peace and arriving at a permanent settlement in accordance with the resolution of the Security Council of 4 March 1964."

In the absence of any objection, the President declared the statement adopted.<sup>36</sup>

## CASE 15

At the 1412th meeting on 4 April 1968, in connexion with the situation in the Middle East (II), the President (USSR), having announced that there were no more speakers on the question, informed the Council that as a result of consultations that had taken place, he had to make a statement on the views of the Council members, which read as follows:<sup>37</sup>

"Having heard the statements of the parties in regard to the renewal of the hostilities, the members of the Security Council are deeply concerned at the deteriorating situation in the area. They, therefore, consider that the Council should remain seized of the situation and keep it under close review."

The Council was then adjourned.<sup>38</sup>

## CASE 16

At the outset of the 1420th meeting held on 2 May 1968, in connexion with the situation in the Middle East (II), the President (United Kingdom) informed the Council that prolonged consultations had taken place among members on the question before the Council. He then stated:

"I now wish, after full consultation with all members of the Council, to read to the Council a draft resolution which has been the subject of our consultation through the latter part of the day."

<sup>35</sup> For text of the relevant statement, see 1383rd meeting (PV), p. 71.

<sup>36</sup> *Ibid.*

<sup>37</sup> For text of the relevant statement, see 1412th meeting (PV), p. 66.

<sup>38</sup> *Ibid.*

Under the draft resolution,<sup>39</sup> the Security Council would deplore the holding by Israel of a military parade in Jerusalem on 2 May 1968 in disregard of the Council's unanimous decision of 27 April 1968.

After reading the text of the draft resolution, the President asked the Council to vote on it, which the Council then adopted unanimously.<sup>40</sup>

## CASE 17

Following a suspension of the 1448th meeting, held on 8 September 1968, in connexion with the situation in the Middle East (II), the President (Canada) announced that during the suspension of the meeting, he had conducted consultations with all members of the Council, as a result of which he had been authorized to make the following declaration:

"The Security Council, having met urgently to consider the item on its agenda contained in document S/1448/Rev.1, having heard the reports of General Odd Bull presented by the Secretary-General, and having heard the statements of the representatives of Israel and of the United Arab Republic, deeply regrets the loss of life, and requires the parties strictly to observe the cease-fire called for by the Security Council's resolutions."

The President then observed that unless any member of the Council wished to speak, he would consider that the declaration would be taken "as the declaration of the President, to be communicated to General Bull and the parties", and that the next meeting on the item would be arranged following consultations with members of the Council.<sup>41</sup>

The meeting was thereupon adjourned.

## CASE 18

At the 1452nd meeting on 18 September 1968, in connexion with the situation in the Middle East (II), the President (Canada) informed the Council that since it last met on 11 September 1968, he had conducted consultations with all members of the Council on a daily basis with a view to reaching an agreement on further steps to deal with the situation at hand.

He continued:

"These consultations have obviously not moved as quickly as the members of the Council might have wished. Nevertheless, patience does seem to have its reward, and I am now in a position to present to the Council a draft resolution which reflects the agreement obtainable on this subject at this time among the greatest possible number of members of the Council..."

He then stated that on the basis of the informal understanding reached among Council members, he would read out the draft resolution<sup>42</sup> and ask the Council to vote on it. Under the draft resolution, the Council would (a) insist that the cease-fire ordered in previous Council resolutions be rigorously respected; (b) reaffirm resolu-

<sup>39</sup> Text same as resolution 251 (1968) of 2 May 1968.

<sup>40</sup> For text of the relevant statement, see 1420th meeting (PV), pp. 2-5.

<sup>41</sup> For text of the relevant statement, see 1448th meeting (PV), p. 46.

<sup>42</sup> Text same as resolution 258 (1968) of 18 September 1968.

tion 242 (1967) of 22 November 1967 and urge all parties to "extend their fullest co-operation to the Special Representative of the Secretary-General in the speedy fulfilment of the mandate entrusted to him under that resolution".<sup>43</sup>

The Council proceeded to vote on the draft resolution and adopted it by fourteen votes to none, with one abstention.<sup>44</sup>

### b. Rule 20

#### CASE 19

Following the adoption of the agenda at the 1428th meeting, held on 29 May 1968, in connexion with the situation in Southern Rhodesia, the President (United Kingdom) announced that he had considered the possible application of rule 20 to the case in hand. After quoting the rule, he stated:

<sup>43</sup> For text of the relevant statement, see 1452nd meeting (PV), pp. 6-10.

<sup>44</sup> *Ibid.*, pp. 7-10.

"The Council will note that this provision places the matter entirely within the discretion of the President. After fully considering the exceptional circumstances of this case, I have come to the conclusion that I should act within the discretion which the rule provides, and accordingly I report my decision to the Council not to preside over the Council while the present discussion of the question of Southern Rhodesia is undertaken."

He then invited the representative of the United States to preside over the meeting.

The representative of the United States, speaking then as President, confirmed the view that under rule 20, the President had in his sole discretion the question of when to apply that rule by yielding his place as President. He noted that at the conclusion of the question before the Council, the chair and the responsibility which he temporarily assumed, would revert to the representative of the United Kingdom as the President of the Council for the current month.<sup>45</sup>

<sup>45</sup> For texts of relevant statements, see: 1428th meeting (PV): President (United Kingdom), pp. 2-5; United States (speaking as President under rule 20), p. 6.

## 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 proceedings 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 (Cases 24, 25 and 26); (ii) in the second category are included proceedings by virtue of their possible relation to Article 99 (Cases 27, 28 and 29).

During the period under review, the Secretary-General has been requested to (i) continue his good offices towards the settlement of outstanding questions in agreement with the parties concerned;<sup>46</sup> (ii) to make immediate contacts with the Governments concerned to arrange for immediate compliance with previous Security Council resolutions;<sup>47</sup> (iii) to designate a Special Representative to an area of conflict to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles set out

<sup>46</sup> Decision of 16 August 1966, in connexion with the complaint by the United Kingdom, 1300th meeting, para. 2.

<sup>47</sup> In connexion with the Palestine question, resolution 235 (1967) of 9 June 1967, para. 3.

in a resolution;<sup>48</sup> (iv) to report on the results of the good offices which he had proposed to the parties concerned and of which they had been invited to avail themselves;<sup>49</sup> and (v) to dispatch a special representative to certain occupied territories and report on the implementation of a previous Council resolution relating to those territories.<sup>50</sup> In a number of instances, the Secretary-General has also been requested to follow the implementation of resolutions or to keep certain questions under review, reporting on their developments to the Council as he deemed appropriate.<sup>51</sup> The Secretary-General has, further-

<sup>48</sup> In connexion with the situation in the Middle East, resolution 242 (1967), of 22 November 1967, para. 3.

<sup>49</sup> In connexion with the complaint by the Government of Cyprus, resolution 244 (1967) of 22 December 1967, para. 3.

<sup>50</sup> In connexion with the situation in the Middle East, resolution 259 (1968) of 27 September 1968, para. 1.

<sup>51</sup> In connexion with the question of Southern Rhodesia, resolution 232 (1966) of 16 December 1966, para. 9; resolution 253 (1968), para. 19; in connexion with the Palestine question, resolution 228 (1966) of 25 November 1966, para. 4; in connexion with the situation in the Middle East (I), resolution 233 (1967) of 6 June 1967, para. 2; resolution 234 (1967) of 7 June 1967, para. 2; resolution 236 (1967) of 11 June 1967, para. 2; resolution 237 (1967) of 14 June 1967, para. 3; in connexion with the situation in the Middle East (II), resolution 248 (1968) of 24 March 1968, para. 5; resolution 250 (1968) of 27 April 1968, para. 2; resolution 252 (1968) of 21 May 1968, para. 4; in connexion with the question concerning the Democratic Republic of the Congo, resolution 226 (1966) of 14 October 1966, para. 3; resolution 239 (1967) of 10 July 1967, para. 5; resolution 241 (1967) of 15 November 1967, para. 6; in connexion with the question of South West Africa, resolution 245 (1968) of 25 January 1968, para. 4; resolution 246 (1968) of 14 March 1968, para. 6.

more, been requested by resolutions or during meetings of the Security Council, to submit reports on developments relating to the maintenance of international peace and security. In response to such requests, the Secretary-General has on a number of occasions submitted oral reports to the Council.<sup>62</sup>

Rule 23 has not been invoked during the period under review; neither has there been a case of special application or interpretation of rule 24.

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

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

**a. Rule 21**

**CASE 20**

At the 1449th meeting, on 10 September 1968, in connexion with the situation in the Middle East (II), the Secretary-General made a statement in response to a question raised by a Council member with regard to the use of the expression "Israel Defence Forces", in a report submitted by the United Nations Truce Supervision Organization (UNTSO). He stated:<sup>63</sup>

"The expression 'Israel Defence Forces'—or its abbreviated form 'IDF'—has been used by UNTSO simply because this is the official title of the Israel armed forces. The practice has been followed by UNTSO for many years. There is no intention whatsoever, in using this expression, to describe or intimate the nature or purpose of the Israel armed forces."

**CASE 21**

At the 1353rd meeting on 9 June 1967, in connexion with the situation in the Middle East (I), the Secretary-General stated that he had no confirmed information on developments with regard to which a Council member had requested some information.

Following a further query from the Council member concerned whether he might already have reports from his representatives, the Secretary-General stated:

"As I have just reported to the Council, I have no further confirmed information from the area. We have, as the Council members are fully aware, only one source of information; that is, General Odd Bull, Chief of Staff of UNTSO. Of course, he has been

<sup>62</sup> For texts of such reports, see, in connexion with the Palestine question:

1308th meeting, para. 110; 1309th meeting (PV), pp. 3-5; 1312th meeting, paras. 71 and 72; 1320th meeting, paras. 5-14; 1325th meeting (PV), pp. 7-12, 86-89; 1325th meeting, para. 28; 1326th meeting, para. 3;

in connexion with the situation in the Middle East (I): 1349th meeting (PV), pp. 11-15; 1350th meeting (PV), pp. 36-37; 1351st meeting (PV), pp. 6, 7-10, 18-20; 1352nd meeting (PV), pp. 7-12, 88-90, 117; 1355th meeting (PV), pp. 3-5, 31, 92; 1357th meeting (PV), pp. 3-5, 8-10, 111;

in connexion with the situation in the Middle East (II): 1419th meeting (PV), p. 11; 1448th meeting (PV), pp. 6-15, 16, 17-20;

in connexion with the complaint by the Government of Cyprus: 1459th meeting (PV), p. 42.

<sup>63</sup> For text of the relevant statements, see 1449th meeting (PV), pp. 2-5.

reporting to me regularly but some pieces of information are confirmed and some pieces of information are not confirmed. So, for the purpose of imparting correct information to the Council I have to use my own judgement whether a particular piece of information is confirmed or unconfirmed. As soon as confirmed information is available, I will make it a point to submit it to the Council as soon as possible."

He then informed the Council that General Odd Bull had found it difficult to establish direct contact with the military observers in the area because of the unsettled situation there.

At a later stage of the meeting, the Secretary-General was asked whether, in the light of the reports heard by the Council, he could submit more information without delay—in for instance, a half-hour time. The Secretary-General, in addition to explaining the difficult circumstances in which the Chief of Staff of UNTSO and his observers had to carry out their tasks, made an appeal to the parties concerned to facilitate the accomplishment of the observers' tasks, so that the Secretary-General could promptly report to the Council. He stated:

"First of all, as I indicated earlier in my short intervention, I received a report from General Odd Bull, Chief of Staff of UNTSO, that he had lost contact with his Observers in several areas because of the unsettled conditions there.

"Secondly, in order to facilitate the collection of information, the essential condition is that the parties concerned must give all possible co-operation to the Observers. So far, to my knowledge, the necessary co-operation has not been forthcoming. Therefore, I would request the parties primarily concerned to render all possible co-operation and assistance to the United Nations Observers in the discharge of their responsibilities.

"Thirdly, I should like to report to the Council that since General Odd Bull and his staff have had to leave Government House, they have no wireless communication facilities for the purpose of contacting the Observers. They have had to use mostly commercial services, commercial communications, which of course are very defective for the purpose of prompt reporting. Therefore, I should like to take this opportunity of appealing to the Government of Israel, through its representative, to restore the use of the Government House to General Odd Bull so that he will be in a position to reach the Observers promptly for the purpose of reporting officially to me in order that I may be in a position to report accurately to the members of the Council.

"Fourthly, one very essential element for the performance of their functions by the Observers is to get freedom of movement. I think this is a must if the Security Council is to expect prompt and effective and accurate reporting from the United Nations Observers on the spot. Therefore, I should also like to take this opportunity of requesting the parties primarily concerned to render all possible assistance to the United Nations Observers to achieve complete freedom of movement for them.

"If those conditions are obtained, I am sure we will get the required information as soon as possible. But I do not think it is practical to expect an accurate report

in the course of thirty minutes; that is physically impossible. I have no idea how long it will take. But if those conditions are met, I am sure the reporting will be prompt. I can assure the members of the Council that as soon as I receive the necessary report which is relevant to the matter under discussion, I shall see to it that the Council members get that report as promptly as possible."

Subsequently, in response to another query with regard to a time limit within which he could provide the Council with further information, the Secretary-General stated in substance that if the conditions he had stated earlier, were met, he would be able to supply it within the time-limit set by the Council.

At the next meeting of the Council, on 10 June 1967, the Secretary-General made statements to the Council reporting on the latest developments, as received by him from the Chief of Staff of the UNTSO.<sup>54</sup>

#### CASE 22

At the 1361st meeting on 14 June 1967, in connexion with the situation in the Middle East (I), following statements made by the representatives of Saudi Arabia\* and the USSR in regard to the conduct of a United Nations official, the Secretary-General made a statement that the official concerned was an outstanding and objective civil servant and that he could not accept any imputations in this connexion of disloyalty to the Organization or infringement of the tenets of an international civil servant.<sup>55</sup>

#### CASE 23

In the course of the 1454th meeting on 27 September 1968, in connexion with the situation in the Middle East (II), the Security Council adopted a draft resolution,<sup>56</sup> the first paragraph of which read as follows:

"Requests the Secretary-General urgently to dispatch a Special Representative to the Arab territories under military occupation by Israel following the hostilities of 5 June 1967, and to report on the implementation of resolution 237 (1967);"

The Secretary-General, following the adoption of the resolution, stated that, as he had indicated in an earlier report, he had been ready for some time to designate a Special Representative to undertake a second humanitarian mission to the Middle East. He added:<sup>57</sup>

"The Representative can be on his way with minimum delay once there is assurance that he will have the access and co-operation indispensable to the fulfilment of his mission."

<sup>54</sup> For texts of relevant statements, see: 1353rd meeting (PV): Secretary-General, pp. 63-65, 87-90, 107-109; Bulgaria, p. 106; USSR, pp. 62, 63-65, 83-85; 1354th meeting (PV): Secretary-General, pp. 3-7, 51-55, 63-65, 66.

<sup>55</sup> For texts of relevant statements, see: 1361st meeting (PV): Secretary-General, pp. 26-27; Saudi Arabia, pp. 16-22; USSR, pp. 23-26.

<sup>56</sup> S/8825/Rev.2; text same as resolution 259 (1968).

<sup>57</sup> For text of the relevant statement, see 1454th meeting (PV), p. 106.

#### b. (i) Rule 22

##### CASE 24

At the 1275th meeting on 16 March 1966, in connexion with the complaint by the Government of Cyprus, the Secretary-General made a statement following the adoption by the Security Council of a draft resolution<sup>58</sup> extending the stationing of UNFICYP in Cyprus, in which he expressed disappointment that the Council, in extending the stationing of the Force, had "ignored the financial situation affecting it".

He stated in this connexion:<sup>59</sup>

"The Council, I am sure, will readily understand this expression of disappointment when I point out that it is one thing to vote to extend the Force and quite another thing to have to maintain and support that Force in the field from day to day and to meet the obligations it incurs, which is the continuing responsibility of the Secretary-General.

"Thus I feel that I have no choice but to repeat what I said in . . . my report to the Council, namely that I must put on notice the Governments providing contingents to the Force that unless unforeseen financial support is forthcoming I will not be in a position to honour fully previously made commitments for reimbursement of the extra costs that have been, and are likely to be, incurred."

##### CASE 25

At the 1280th meeting on 18 May 1966, in connexion with the situation in Southern Rhodesia, the representative of Nigeria drew the attention of the Council to a news report in which reference had been made to a communication from Southern Rhodesia addressed to the Secretary-General and to the attitude of the Secretary-General towards that communication. Upon the suggestion of the representative of Nigeria, the President called upon the Secretary-General to make a statement thereon.

The Secretary-General noted that he had made available to the Council copies of telegrams from Salisbury received from Mr. Lardner, who called himself Minister of Justice, in which the latter had requested an invitation to participate in the Council debate on the situation in Southern Rhodesia, under Article 32 of the Charter. After quoting Article 32,<sup>60</sup> the Secretary-General observed that since the status of Southern Rhodesia was that of a Non-Self-Governing Territory under resolution 1747 (VI) of the General Assembly, Article 32 did not apply. He continued:

"In the circumstances, it is for the Council to decide what consideration, if any, it wishes to give to these telegrams. It is for that reason that I made available to the members of the Council copies of the telegrams I received from Salisbury.

"I need hardly recall to the Council that in several resolutions on the subject the Council has labelled the régime in Southern Rhodesia as illegal. For this reason, and in line with the policy of the Secretariat not to

<sup>58</sup> Resolution 220 (1966) of 16 March 1966.

<sup>59</sup> For text of the relevant statement, see 1275th meeting, paras. 39-41.

<sup>60</sup> See further chapter III, Case 4.



enter into correspondence with illegal régimes, I decided not to reply to the various telegrams from Salisbury."

The President thereupon stated that unless any representative wished to speak on the subject, he would consider the statement of the Secretary-General as having settled the matter.<sup>61</sup>

The Council then proceeded with the conduct of its business.

#### CASE 26

At the 1347th meeting on 5 June 1967, in connexion with the situation in the Middle East, the Secretary-General reported to the Council on the outbreak of hostilities and subsequent developments in the Middle East.

After informing the Council that the United Nations premises in Palestine (Government House) had been occupied by Jordanian forces, and that the UNTSO Chief of Staff had protested against this occupation, he read out an urgent appeal he had addressed to the King of Jordan, the relevant part of which read as follows:<sup>62</sup>

"I have just been advised at 0900 hours local time that all communications with Government House have ended because of its occupation by Jordanian troops. This is a breach of extreme seriousness. I appeal to Your Majesty with utmost urgency to order the immediate removal of Jordanian troops from the grounds and buildings of the Government House compound in Jerusalem. As Your Majesty knows, this compound has been respected by both parties to the Hashemite Kingdom of Jordan-Israel Mixed Armistice Commission as the Headquarters of the United Nations Truce Supervision Organization and therefore under the exclusive United Nations occupation and control."

#### b. (ii) Rule 22

#### CASE 27

At the 1365th meeting on 8 July 1967, in connexion with the situation in the Middle East (I), the Secretary-General reported to the Council that since no United Nations military observers were stationed in the Suez area, he was in no position to provide the Council with verified information regarding reports on a new outbreak of hostilities in the area that day.

The Secretary-General then observed that unlike the Council resolutions on the cease-fire between Israel and Syria,<sup>63</sup> resolutions 233 (1967) and 234 (1967) on the general cease-fire, which, he added, were applicable to the cease-fire between Israel and the United Arab Republic, contained no provision for any assistance with regard to the implementation of the cease-fire.

<sup>61</sup> For texts of relevant statements, see: 1280th meeting: President (Netherlands), paras. 4, 9; Secretary-General, paras. 6-8; Nigeria, para. 3.

<sup>62</sup> For text of the relevant statement, see 1347th meeting (PV), pp. 6-15.

<sup>63</sup> The two Council resolutions relating to the cease-fire between Israel and Syria contained provisions relating to assistance by the Secretary-General in the implementation of the resolutions. See resolutions 235 (1967) of 9 June 1967, para. 3, and 236 (1967) of 12 June 1967, para. 5.

Realizing, the Secretary-General continued, that he could not discharge his reporting responsibility under those two resolutions without any means of obtaining reliable information, and that the implementation of a cease-fire without observation or policing assistance was inevitably vulnerable, he had taken an initiative on 4 July 1967 "towards a possible alleviation of this situation".

He then stated:<sup>64</sup>

"On that date I undertook two exploratory talks. In an afternoon meeting with Dr. Mahmoud Fawzi, Deputy Prime Minister of the United Arab Republic, I inquired of him what the reaction of his Government would likely be to a suggestion from me that United Nations Military Observers might be stationed in the sector of the Suez Canal where there is now confrontation between the armed forces of the United Arab Republic and those of Israel. Such Observers, of course, would have to be stationed on both sides, as has been done in the sector where the forces of Israel and Syria are in confrontation. This, I explained, would be especially necessary if the Secretary-General is to be enabled to fulfil his reporting responsibilities under the Security Council resolutions of 6 and 7 June 1967. Dr. Fawzi advised me that he would bring this idea to the attention of his Government and obtain their reaction to it. Immediately following the meeting with Dr. Fawzi, I had a similar discussion with Foreign Minister Abba Eban of Israel and advanced the same suggestion to him. The Foreign Minister also assured me that he would seek his Government's reaction to this idea.

"As of now, I have had no word about the reaction of either Government to this suggestion, which I consider to be constructive and helpful in the light of the prevailing circumstances and in the reporting context of the relevant Security Council resolutions.

"If it should be agreed that United Nations Observers should proceed to Sinai and the Suez sector, this could be quickly done, according to information from the Chief of Staff, General Bull, within his present Observer strength, but it would be necessary to increase the number of Observers available to him at a very early date thereafter."

#### CASE 28

At the 1366th meeting on 9 July 1967, in connexion with the situation in the Middle East (I), the Secretary-General informed the Council that since his statement at the previous Council meeting<sup>65</sup> he had consulted the UNTSO Chief of Staff on the number of additional observers needed for the Suez sector, and on what could be done pending their arrival.

After referring to the number of additional observers needed and their logistical support, the Secretary-General stated:<sup>66</sup>

"United Nations Observers have been serving in the Near East since 1948, when there were well over 700 as

<sup>64</sup> For the text of the relevant statement, see 1365th meeting (PV), pp. 36-37.

<sup>65</sup> See case 27.

<sup>66</sup> For text of the relevant statement, see 1366th meeting (PV), p. 38.

against the 133 now serving in the area. Wherever United Nations Military Observers have been employed, it has been established practice to have the approval of the Governments directly concerned—in the present case the Governments of Israel and the United Arab Republic—regarding the countries from which Military Observers for the particular operation may be drawn. That practice still continues.”

#### CASE 29

At the 1386th meeting on 22 December 1967, in connexion with the complaint by the Government of Cyprus, the Secretary-General made a statement commenting on the provision of a resolution, adopted at that meeting, which invited the parties concerned “promptly to avail themselves of the good offices proffered by the Secretary-General” and requested the Secretary-General “to report on the results to the Council as appropriate”.<sup>67</sup>

After assuring the parties that he was immediately available to them and would do all within his power to

<sup>67</sup> Resolution 244 (1967) of 22 December 1967, para. 3.

help them find a way to resolve their differences, the Secretary-General expressed the hope that they would respond to the invitation of the Security Council without delay. He continued:<sup>68</sup>

“Bearing in mind the sharply divergent views of some of the parties in regard to the issues that may be raised during their forthcoming discussions with me or my representatives, I would have welcomed clear guidance by the Council on the basic points which have been the subject of much negotiation with the parties during the drafting of the resolution. The weight of the Council’s views would have been invaluable to me in the exercise of my good offices and in its absence I deem it my duty to forewarn the Council of the difficulties that lie ahead. The members of the Council will understand, therefore, why I regard it as necessary now to reiterate in the strongest possible terms the call which I made to the parties concerned in my report to the Council of 8 December 1967, document S/8286, namely, to display the statesmanship and good will which is essential to resolve this complex and long-standing question.”

<sup>68</sup> For text of the relevant statement, see 1386th meeting (PV), pp. 18-21.

### 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.<sup>69</sup> During the period under review, there were no special instances of the application of rules 29, 31, 34, 35 and 36.

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

##### 1. Rule 27

The order of intervention in the debate (Cases 30-33).

##### 2. Rule 30

The extent to which the President would rule on a point of order (Cases 34 and 35). There have been a number of instances during the period under review in which representatives, having requested to be recognized on a point of order, made statements on matters on which no

ruling was required. Such instances were not included in the study.<sup>70</sup>

##### 3. Rule 32<sup>71</sup>

Request for separation of vote (Case 36).

##### 4. Rule 33

On suspension and adjournment of meetings (Cases 37-43).<sup>72</sup>

<sup>70</sup> For discussion, on a point of order, relating to participation of a non-Council member in debates on procedure, see chapter III, Case 3.

<sup>71</sup> There was one instance during the period under review, in which the President (Denmark), after quoting rule 32, enquired of the representative of a Council member whether he would insist on a vote first on a draft resolution submitted by his delegation prior to the one on which the Council was then asked to vote. After ascertaining that the representative concerned would not insist, the President suggested that the Council vote on the draft resolution before it, and the Council proceeded accordingly.

For text of relevant statements, see, in connexion with the situation in the Middle East (I):

1360th meeting (PV): President (Denmark), pp. 81 and 83; United States, pp. 81-83.

<sup>72</sup> Rule 33 has at times also been invoked as a basis for motions to suspend or adjourn a meeting, without, however, further discussion on the scope of the rule or the nature of the motions. See, for example:

1354th meeting (PV): statement by the representative of India, pp. 43-45; motion for a brief adjournment by the representative of France, p. 66;

1356th meeting (PV): motion for suspension by the representative of India, p. 47;

1357th meeting (PV): motion for suspension by the represen-

<sup>69</sup> Attention is drawn in this connexion to resolution 253 (1968) of 29 May 1968, dealing with the situation in Southern Rhodesia, by which the Security Council established a committee explicitly under rule 28 to report on the implementation of that resolution. For terms of reference of the committee, see chapter V, Case 4.

**\*\*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 30**

At the 1316th meeting on 3 November 1966, in connexion with the Palestine question, the President (United States) requested members of the Council who wished to speak on the matter at hand to register their names with the Secretary of the Council, in order that the Council would have one list kept by the Secretary and open to all, "so that everyone knows the order in which speakers are inscribed" on the list.

He added:

"This does not militate against members asking for the floor at the meeting itself; of course when they do ask for the floor the Chair will recognize any member of the Council. But without making this more than a request I would hope that members of the Council and others, when they desire to speak, would indicate their desire to the Secretary, so that we may have only one list."

The President then announced that if there was no objection to the procedure suggested, the Council could then proceed accordingly. No objection was raised against the procedure.<sup>78</sup>

**CASE 31**

At the 1355th meeting on 10 June 1967, in connexion with the situation in the Middle East (I), the representative of Bulgaria, on a point of order, requested the President of the Council to ask the representative of Israel whether Israel troops were on Syrian territory at that time.

The President (Denmark) replied that he was sure the representative of Israel had heard the question, and that if the representative of Israel wished to speak thereon, the President could call upon him to do so. The President could not, however, demand any explanation from any representative unless the Council had so authorized him.

The representative of Mali, also on a point of order, asked the President to explain what principles or rules could prevent him from asking the representative of Israel the sort of question raised by the representative of Bulgaria.

tative of the United Kingdom, and statement by the President, pp. 107-110;

1358th meeting (PV): motion for adjournment by the representative of the United Kingdom, p. 171;

1366th meeting (PV): motion for adjournment by the representative of Mali, p. 37;

1367th meeting (PV): motion for suspension by the representative of Nigeria, p. 36;

1379th meeting (PV): motion for adjournment by Canada, p. 24;

1380th meeting (PV): motion for adjournment by Bulgaria, p. 2;

1381st meeting (PV): motion for adjournment by Bulgaria, pp. 33-35.

<sup>78</sup> For text of the statement, see:

1316th meeting (PV): President (United States), pp. 2-20.

The President observed that in order to put questions or ask explanations of a representative, even if it might expedite the functions of the Council, he had to be authorized by some rule to take part in the discussion as President, and he had been reminded before that he could not take part in discussions.

The representative of Mali then noted that, in his view, what was requested by the representative of Bulgaria was that the President transmit his request to the representative of Israel for a clarification; it was therefore not a matter of "putting questions" to the representative of Israel.

The President thereupon reminded the Council that it had not taken any decision as to putting any questions to the representative of Israel. He cited rule 27 as the only rule by which he could call upon representatives on the Council to make a statement, adding:

"If I were not to employ that rule, which is the only rule in our rules of procedure, to my knowledge, under which I can give the floor to the representatives in this Council, then I would ask under what rule I should put a concrete question asked by a representative on which there has not been a decision of the Council."

After the representative of Mali raised a point of order citing two instances in which the President had asked the Secretary-General to reply to questions asked by members of the Council, the President stated:

"According to rule 27 of the rules of procedure, 'The President shall call upon representatives in the order in which they signify their desire to speak'. Twice questions have been put to the Secretary-General, who is not a representative, but the Secretary-General. In both cases technical questions were asked of the Secretary-General. The questions were put by the representatives of France and the Soviet Union, and I asked the Secretary-General to submit the information and later to reply to the questions. However, if it is a question of representatives, I must abide by rule 27 as long as the Council has not decided that a question shall be submitted to a representative, and in this case the Council has not so decided."

The representative of the United Kingdom, after expressing support for the views of the President, stated that, since the representative of Bulgaria wished to press his point, he would be prepared, having the right to speak next, to waive his right in favour of the representative of Israel to answer the question asked during the debate.

To this suggestion, the President replied:

"It will not be possible for me to call next on the representative of Israel simply because the representative of the United Kingdom yields his place to him on the list of speakers, since several other speakers are inscribed on my list between the representative of the United Kingdom and the representative of Israel, who is the last speaker on my list."

The President also noted, this time in reply to a point of order raised by the representative of the USSR, that, in order to act impartially, he had to base himself on the rules of procedure and rule 27, in particular. He added, however, that he would call on the representative of Israel to reply to the question asked by the representative of Bulgaria if the Council so wished. Thereafter the President suggested that the Council should proceed with its discussion on the question before it, and called on the

representative of the United Kingdom to make his statement.<sup>74</sup>

#### CASE 32

Following the opening of the 1373rd meeting, held on 9 November 1967 in connexion with the situation in the Middle East (II), the representative of the United States, on a point of order, inquired about the order of speakers for that meeting.

In reply, the President (Mali) read out the list of speakers, which included the United Arab Republic as the first speaker, to be followed by some Council members and then by Israel.

The representative of the United States thereupon expressed the following view:

“Under the established practice of the Council, the members of the Council speak first. But it is a well established tradition of the Council that the Council has agreed to hear the parties first. There is no practice and no equity in allowing one party at interest in the first instance to speak and to deny the privilege to another party at interest to be heard before the members of the Security Council are heard.”

After citing two past instances in which the Security Council had been confronted with a similar procedural question,<sup>75</sup> the representative of the United States moved that “the parties to the dispute who have asked to speak . . . be invited to speak prior to the members of the Council”.

The representative of the USSR, speaking against the United States motion, argued that since the item under consideration was not a new one on the Council's agenda, the reference to precedents made by the representative of the United States was groundless and could not be applied to the present case. The Security Council should therefore apply rule 27 as the appropriate rule of procedure.

The representative of India observed that when his delegation was consulted by the President, he agreed to yield his place to the representative of Israel as a matter of courtesy. He had only one reservation to make, namely, that the representative of Israel should not make any reference to a three-Power draft resolution,<sup>76</sup> of which his delegation was a co-sponsor, before the formal introduction of that draft.

Whereupon the representative of the USSR observed that under the rules of procedure and in accordance with established practice, representatives of non-Council members could not participate in discussions on procedure.

The representative of the United States, noting that the representative of the USSR had misconceived the rules of procedure, pointed out that the term “representatives” in rule 27, as well as “representative” in rules 30,

31 and 32 referred to representatives of Council members. Different terms were used to refer to non-Council members, such as, for instance, those provided in rules 37 and 38. The distinction had been invariably maintained in the practice of the Council and he therefore put his motion.

The representative of Nigeria stated that while the order of speakers had in practice been governed by rule 27, it was also the case that

“whenever there has been any subject of controversy—when one person who had alleged something against another has spoken—customarily the person against whom any allegation is made has been given the opportunity to speak.”

He also pointed out that there had been a rule in the Council whereby any speaker wishing to speak before his turn in the order of the list of speakers, would seek the consent of the other speakers concerned. He suggested that this practice should be followed in the present case and that the Council should be suspended for that purpose.

With the approval of the Council, the President thereupon suspended the meeting.

When the meeting was resumed, the President reported that no agreement among the parties could be reached and that the Council should, consequently, decide on the United States motion that the United Arab Republic and Israel should be invited to speak before members of the Council.

After a brief discussion aimed at clarifying the motion, the Council voted upon the United States motion, which was not adopted, there being 8 votes in favour, none against, with 7 abstentions.<sup>77</sup>

#### CASE 33

At the 1443rd meeting on 22 August 1968, in connexion with the situation in Czechoslovakia, the representative of Bulgaria who was on the list of speakers for that meeting, inquired whether he could make his statement the next day instead of at that meeting.

The President (Brazil) replied that he could not commit the Council to the request of the representative of Bulgaria, since it was for the Council to decide whether to meet again the next day, or whether to proceed at that meeting to vote on a draft resolution<sup>78</sup> then before it.

An exchange of views ensued on whether to vote on the draft resolution at that meeting, in which the representatives of the USSR, the United States, Bulgaria, United Kingdom, Hungary, Canada, Poland, as well as the President took part. In the course of their exchange, the representative of Canada formally moved that the Council vote on the draft resolution at that meeting.

The representative of Bulgaria, having renewed his request to speak before a vote was taken on the draft resolution and having subsequently been called upon

<sup>74</sup> For text of relevant statements, see:

1355th meeting (PV): President (Denmark), pp. 12, 13-15, 16-17, 18-20, 22, 23-25, 26; Bulgaria, pp. 12, 18-20; Mali, pp. 13-15, 16, 21; USSR, pp. 23-25; United Kingdom, p. 22.

<sup>75</sup> In connexion, respectively, with action of the OAS relating to the Dominican Republic at the 893rd meeting (see *Repertoire of the Practice of the Security Council, Supplement 1959-1963*, p. 79, Case 12), and with the Palestine question at the 330th meeting (see *Repertoire of the Practice of the Security Council, 1946-1951*, p. 133, Case 95).

<sup>76</sup> S/8227, 1373rd meeting (PV), p. 68.

<sup>77</sup> 1373rd meeting (PV), p. 41. For texts of relevant statements, see:

1373rd meeting (PV): President (Mali), pp. 6-10, 26-30, 37-40; India, pp. 12-15; Nigeria, pp. 17-25; USSR, pp. 11, 16, 31-35; United States, pp. 6-10, 16, 36, 41.

<sup>78</sup> S/8761, 1442nd meeting (PV), p. 17.

to address the Council, proceeded to make his statement at that meeting.<sup>79</sup>

### b. Rule 30

#### CASE 34

At the 1421st meeting on 3 May 1968, in connexion with the situation in the Middle East (II), the President (United Kingdom) announced to the Council that unless he heard any objection, he would invite Mr. Rouhi El-Khatib to address the Council under rule 39 of the provisional rules of procedure.<sup>80</sup>

The representative of Algeria, speaking on a point of order, raised the question whether M. Rouhi El-Khatib was invited under rule 39<sup>80a</sup> as the elected Mayor of Jerusalem, which, in his view, was in accordance with that rule.

The President, in response, gave his interpretation of rule 39, and the representative of Algeria, in turn, reaffirmed his view that under rule 39, Mr. Rouhi El-Khatib could be invited to speak as the elected Mayor of Jerusalem.

The President thereupon observed that, since the representative of Algeria had raised a point of order, the President was "required under the rules, when a point of order is raised, to give a ruling". His ruling was that he proposed to call Mr. Rouhi El-Khatib to speak to the Council under rule 39 and that, unless that ruling was challenged, he would invite him accordingly.

After another brief comment by the representative of Algeria and a statement by the representative of the USSR on a point of order, the President stated:

"Two points of order have been raised in this Council: first of all, by the representative of Algeria, and now by the representative of the Soviet Union. Therefore, I am doubly required to give a ruling. I shall read the rule again and I shall state my ruling, and I shall proceed accordingly unless a challenge is made."

The representative of Algeria thereafter restated his views, followed by other Council members, who spoke on the scope of rule 39, and by the President, who in essence restated his ruling.

As his ruling was not challenged, the President did not put it to the vote.<sup>81</sup>

#### CASE 35

At the 1439th meeting on 15 August 1968, in connexion with the situation in the Middle East (II), the representative of the USSR was given the floor on a point of

<sup>79</sup> For texts of relevant statements, see:

1443rd meeting (PV): President (Brazil), pp. 28-30, 32-35, 36, 43, 52, 57-60, 62, 66, 67, 71, 72, 76, 126, 127, 128; Bulgaria, pp. 28-30, 52, 73-75, 77, 126; Canada, pp. 62, 76; Hungary, p. 56; Poland, p. 66; USSR, pp. 31, 36, 43-45, 57-61, 63-65, 66, 71, 72, 76, 126, 127; United Kingdom, pp. 56, 68-70; United States, pp. 37, 43, 53-55, 77, 126, 127.

<sup>80</sup> For procedural discussions on participation, see chapter III, Case 3.

<sup>80a</sup> For discussion on participation, see chapter III, Case 3.

<sup>81</sup> For texts of relevant statements, see:

1421st meeting (PV): President, pp. 2-5, 6, 11-12, 16, 17-20, 23-25; Algeria, pp. 6, 7-10, 11, 16, 21; Canada, p. 22; Hungary, pp. 13-15, 22; Pakistan, p. 12; USSR, p. 11.

order while the representative of Israel was speaking in exercise of his right of reply. The representative of the USSR asked the President to call on the representative of Israel to "keep to the subject under discussion" and not to "refer to acts and activities of members of the Council".

The President (Brazil) in reply appealed to the representative of Israel "to confine his remarks, to the extent possible, to the point under consideration, without prejudice, of course, to his right of reply".

Three times thereafter, the representative of the USSR raised a point of order by which he asked the President to call the representative of Israel to order. On the third occasion, the representative of the USSR addressing himself to the President stated:

"The Israeli representative has disregarded your request and your ruling, Mr. President. I should like to ask you to advise and explain to the representative of Israel that he should not refer to matters other than the aggressive acts committed by Israel and should not make slanderous remarks to the Soviet Union."

The President thereupon replied:

"Regarding the new point of order raised by the representative of the Soviet Union, I wish once more to ask for the full co-operation and understanding of all members and all representatives here. As I made clear before, the President does not wish either to curtail discussion or to permit unduly extended remarks on items or subjects not under consideration. I find it difficult to state a ruling on that. I would prefer to know that I could count on the co-operation of all members and representatives so that a certain understanding might be reached here on the remarks. So I appeal again to the representative of Israel to confine his remarks to the item under consideration so that we can proceed with our business."

He then asked the representative of Israel to proceed with his statement.<sup>82</sup>

### c. Rule 32

#### CASE 36

At the 1317th meeting on 3 November 1966, in connexion with the Palestine question, the representative of Mali requested a separate vote on an operative paragraph of a draft resolution<sup>83</sup> sponsored by Argentina, Japan, Netherlands, New Zealand, Nigeria and Uganda. At the 1319th meeting of 4 November 1966, the representatives of Bulgaria and the USSR supported the request for a separate vote on the paragraph in question.

At the same meeting, the representative of Uganda announced that the sponsors of the six-Power draft resolution could not accede to the request for a separate vote, whereupon the President declared that, objection having been made to a separate vote by the sponsors,

"... in accordance with rule 32 of the provisional rules of procedure of the Council we will now proceed to the vote on the joint draft resolution as a whole."

<sup>82</sup> For texts of relevant statements, see:

1439th meeting (PV): President (Brazil), pp. 23-25, 26, 27; Israel, pp. 23-25, 26, 27; USSR, pp. 23-25, 26, 27.

<sup>83</sup> S/7575/Rev.1, *OR*, 21st yr., *Suppl. for Oct.-Nov. 1966*, p. 69.

The Council then proceeded to vote on the six-Power draft resolution.<sup>84</sup>

#### d. Rule 33

##### CASE 37

At the 1277th meeting on 9 April 1966, in connexion with the situation in Southern Rhodesia, the representative of Argentina proposed a brief suspension of the meeting to enable members of the Council to consult one another on the future course of its discussion.

The representative of the USSR stated that he would have no objection to the proposed suspension of the meeting, although he would ask the President before suspending the meeting not to object to his making a very brief statement in reply to an earlier statement made by the representative of Greece which referred to what the representative of the USSR had said.

After the statement by the representative of the USSR, the President (Mali) suspended the meeting.<sup>85</sup>

##### CASE 38

At the 1340th meeting on 16 December 1966, in connexion with the situation in Southern Rhodesia, the representative of Uganda, speaking on a point of order while the Council was in the midst of a vote on a number of amendments, moved that the Council be suspended for ten minutes.

The representative of the United Kingdom stated that it had been the practice of the Council that once started, voting would continue without interruption, and he expressed the hope in this connexion that the Council would "be able to follow the standard practice."

Following a statement by the representative of Nigeria drawing attention to the last sentence of rule 33, which provided that any motion for the suspension or simple adjournment of a Council meeting should be decided without debate, the President (Uruguay) stated:

"There is, in fact, one rule which conflicts with rule 33, namely rule 40 which states:

'Voting in the Security Council shall be in accordance with the relevant Articles of the Charter and of the Statute of the International Court of Justice.'

"Consequently, since we were in the middle of voting, we should abide by the provisions of rule 40."

He added:

"There is no text which deals expressly with this point. If there is no formal objection, we shall proceed with the voting."

In reply, the representative of Uganda stated:

"Mr. President, you have inquired whether or not there is any objection to proceeding with the vote. But when I made a motion for the suspension of the meeting,

I did not intend it to be an 'objection'. All I am asking is that there should be a suspension of the meeting for a very short while, perhaps 5 or 10 minutes, in accordance with rule 33, in particular the last sentence of that rule. . . . Rule 40, which you quoted, is far from relevant to the issue that we are considering here. If there is any provision under rule 40 that is not included here, I think, Mr. President, it would be useful if you would quote it to us."

The representative of the United Kingdom, on a point of order, stated that since it was clearly the wish of the representative of Uganda that the Council should have a short suspension, and without prejudice to the normal practice of the Council, he withdrew his objection to the suspension.

The President then declared that in the light of the statement of the representative of the United Kingdom, he saw no objection to a brief suspension of the meeting, and suspended it accordingly.<sup>86</sup>

##### CASE 39

At the 1342nd meeting on 24 May 1967, in connexion with the situation in the Middle East (I), the representative of the United States moved for a brief suspension of the meeting to enable his delegation to have an immediate consultation with some Council members.

The motion for suspension of the meeting followed a statement by the President (China) drawing the attention of the Council to a suggestion made earlier by the representative of Canada that immediately after the conclusion of the meeting, Council members should consult one another, with a view to attaining a unanimity on the text of a draft resolution relating to the matter under consideration.

There being no objection to the motion for suspension, the Council suspended its meeting for a brief period of time.

When the meeting was resumed, the representative of the United States referred to the suggestion made before the suspension of the meeting, that the Council should adjourn at that point for prompt and informal consultations among members until the next meeting, which would be announced after appropriate consultations. He expressed the hope that the procedure proposed would be acceptable to the Council members.

A number of representatives expressed views on the consultations proposed before the President declared the meeting adjourned until further notice.<sup>87</sup>

#### Rule 33

##### CASE 40

At the 1349th meeting on 7 June 1967, in connexion with the situation in the Middle East (I), the represen-

<sup>84</sup> For texts of relevant statements, see: 1317th meeting (PV): Mali, p. 7; 1319th meeting (PV): President (United States), p. 51; Bulgaria, pp. 23-25; Uganda, pp. 47-50; USSR, p. 46.

<sup>85</sup> For texts of relevant statements, see: 1277th meeting: President (Mali), paras. 140, 143; Argentina, para. 138; USSR, para. 139.

<sup>86</sup> For texts of relevant statements, see: 1340th meeting: President (Uruguay), paras. 104, 105 and 109; Nigeria, para. 103; Uganda, paras. 99 and 106; United Kingdom, paras. 101 and 108.

<sup>87</sup> For texts of relevant statements, see: 1342nd meeting (PV): President (China), pp. 51, 52-55, 56, 61; Bulgaria, p. 56; Canada, pp. 13-15, 61; Ethiopia, pp. 58-60; India, p. 51; Mali, p. 51; Nigeria, pp. 56-60; USSR, pp. 51, 57; United States, pp. 52-55, 56, 61.

tative of Brazil moved "a recess" of twenty minutes to acquaint Council members with the text of a draft resolution<sup>88</sup> then before the Council.

The President (Denmark), interpreting the motion as coming under rule 33, paragraph 3, announced that before putting it to the vote, he would call on the representative of the United States who had asked to speak.

The representative of the United States noted that, while having no objection to the proposed adjournment, he wished to speak briefly on the question before the Council—following which he made a statement relating to the position of the United States on the question.

After the statement by the United States representative, the President gave the floor to the representative of France, who supported the suspension moved by the representative of Brazil.

The representative of the USSR, speaking next, noted that while he fully understood the argument put forward by the representative of Brazil, he failed to understand why, in spite of the fact that the President had invoked rule 33, a debate had been opened on the motion for adjournment.

After quoting the last sentence of rule 33, which provided that any motion for the suspension or for the simple adjournment of the meeting should be decided without debate, he supported the motion.

The President, explaining the procedure that had been followed, stated:

"After the intervention of the representative of Brazil, I asked whether he was making his motion under rule 33, paragraph 3, to adjourn the meeting to a certain day or hour. I call . . . attention . . . to the final part of rule 33 of the rules of procedure, which reads as follows:

'Any motion for the suspension or for the simple adjournment of the meeting shall be decided without debate.'

"That means suspension or simple adjournment as referred to in rule 33, paragraphs 1 and 2. If a motion is made under either of those two paragraphs, there can be no debate. However, since the motion was made under rule 33, paragraph 3, the President has to put the question under debate."

The President then asked whether there was any objection to adjourning for fifteen minutes. There being no objection, he adjourned the Council accordingly.<sup>89</sup>

#### CASE 41

At the 1350th meeting on 7 June 1967, in connexion with the situation in the Middle East (I), the Council had before it two draft resolutions, submitted, respectively, by the USSR and Canada.

After the USSR draft resolution<sup>90</sup> was adopted, the representative of the USSR suggested that the text

of the Canadian draft resolution<sup>91</sup> be distributed to Council members for study, and that in the meantime, other representatives wishing to speak on the question being considered, should be allowed to do so.

The representative of Bulgaria suggested in that connexion that it might be advisable to adjourn the meeting in order to study the Canadian draft resolution and to hear reports on the situation at hand, and in order to allow the President to decide when the Council should be reconvened.

Later in the meeting, the representative of Canada introduced the Canadian draft resolution, the text of which had in the meantime been distributed to members. He noted in his statement that he understood the suggestion of the representative of Bulgaria to mean a suspension of the meeting so that the text of the draft resolution could be discussed. He therefore moved for suspension under rule 33, paragraph 1, for ten or fifteen minutes, to allow members to hold the necessary consultation.

The representative of Bulgaria thereupon observed that the representative of Canada had misunderstood his proposal, which was one for the adjournment of the meeting. He added that he had proposed adjournment so that the Council members could get additional information after a certain passage of time on the implementation of the Council cease-fire resolution and, at the same time, would have enough time to consider the text of the Canadian draft resolution.

An exchange of views then followed between the President (Denmark), the representative of Canada and the representative of Bulgaria.

The President observed at the outset that he did not consider the suggestion made by the representative of Bulgaria in the early part of the meeting to be a formal motion for adjournment. The representative of Canada, he added, had made a formal motion for suspension, and the representative of Bulgaria asked if the representative of Canada would agree to an adjournment until later that day. He said he would consequently address the question to the representative of Canada.

The representative of Canada, thereupon, replied:

"As you correctly say, Mr. President, the rules of procedure give priority to a motion for suspension of the meeting. If it is more convenient to my colleague from Bulgaria to have an adjournment for half an hour instead of fifteen minutes, that would be agreeable to me. I do not believe a suspension is made *sine die*, or simply to later in the evening; it is usually for a specific time, and I believe it would be within the rules to adjourn for a specific time, say half an hour."

Following this statement, the President declared that if there was no objection, he would adjourn the meeting for half an hour.

The representative of Bulgaria then noted that his delegation was against an adjournment for only half an hour. What his delegation wanted was to adjourn the meeting, and to reconvene again at such time as the President felt that he could submit something for consideration by the Council. He explained in this connexion why his delegation considered a longer adjournment necessary, in the light of what the Council had decided.

<sup>88</sup> S/7940, 1349th meeting (PV), p. 6 and adopted without change as resolution 234 (1967).

<sup>89</sup> For texts of relevant statements, see:

1349th meeting (PV): President (Denmark), pp. 16, 18-20, 21-25; Brazil, p. 16; France, pp. 18-20; USSR, pp. 21-25; United States, pp. 16, 17, 18-20.

<sup>90</sup> S/7940, adopted without change as resolution 234 (1967).

<sup>91</sup> S/7941, 1350th meeting (PV), p. 6.

Whereupon the President declared:

"A motion has been made to adjourn the meeting for half an hour. That would be a motion under rule 33, paragraph 3. If I understood him correctly, the representative of Canada agreed to change his motion from a motion to suspend the meeting to a motion for adjournment."

After a clarification on the part of the representative of Canada that he did not agree to change his motion for suspension to one for adjournment, the President stated:

"In that case, then, there is a motion to suspend the meeting, under rule 33, paragraph 1, for fifteen minutes. I have to put this motion to a vote without debate."

The motion was not, however, immediately put to the vote, as the representative of Canada, in response to an appeal by the representative of Ethiopia, subsequently moved for adjournment of the meeting until the Council "was ready to meet" to adopt the Canadian draft resolution.

In putting the Canadian motion to the vote, the President specified that the representative of Canada had "now moved to adjourn the meeting under rule 33, paragraph 2", until the Council could vote on the Canadian draft resolution.

The Council then voted for adjournment.<sup>92</sup>

#### CASE 42

In the course of the 1442nd meeting on 22 August 1968, in connexion with the situation in Czechoslovakia, the President (Brazil) informed the Council that in consultations he had had with Council members on the timing of the next meeting of the Council, the majority was in favour of holding it at 4 o'clock that afternoon, while two or three members wished that it be held around six o'clock. He therefore suggested that a compromise solution might be found by holding the meeting at about 5 o'clock or 5.30.

Discussions ensued on the question whether before adjourning, the Council should set the time for its next meeting, or whether to leave it to the consultations that were to be held in the meantime. The representative of Algeria inquired in this connexion if there were speakers listed for the meeting that had been suggested for 4 o'clock. After being informed by the President that there were none, he expressed the view that while quite willing to agree to a Council meeting at that time if there were speakers to address it, his delegation suggested that in the present case, members should immediately proceed to consultations, and hold a Council meeting when such was considered necessary.

The representative of the United States observed that due to the circumstances in which the situation in Czechoslovakia had developed, and to the great importance of the matter to the world, consultations could be held between then and 5 o'clock that afternoon, until which time the Council would stand adjourned.

In view of the statement of the representative of the United States, the representative of Algeria specified that his suggestion was not for an adjournment *sine die*. The suggestion, he added, was rather meant to enable delegations to communicate with their Governments and to enable certain delegations to continue the consultations they had begun that morning, as well as making it possible for Council members to attend any meeting which might be called when necessary.

After further statements by the representatives of Canada and Hungary on the question of setting the time for the next meeting, the representative of the United Kingdom moved for an adjournment of the meeting until 5 o'clock, on the understanding that if consultations among Council members would make it desirable, the Council could then postpone its meeting.

The President thereupon announced that according to rule 33 of the provisional rules of procedure, any motion for the suspension or simple adjournment of a meeting should be decided without debate.

After a further statement by the representative of the United Kingdom clarifying his motion, and a statement by the representative of the USSR, who spoke on a point of order, the President stated:

"A formal proposal was . . . made to the effect that we adjourn until 5 p.m. this afternoon. According to rule 33, when a motion is made for the suspension or temporary adjournment of a meeting, it shall be decided upon without further debate. Therefore, according to the rules of procedure, which exert a certain pressure on the President, I propose that we come to a decision."

The Council accordingly proceeded to a vote on the motion which it adopted<sup>93</sup> by 10 votes in favour, none against, and five abstentions.<sup>94</sup>

#### CASE 43

At the 1448th meeting on 8 September 1968, in connexion with the situation in the Middle East (II), the representative of the United States moved for an adjournment of the meeting under rule 33.

The President (Canada), after observing that a motion for suspension had to be decided without debate, asked the representative of the United States whether he objected, before the President put his motion to the Council, to hearing the representative of Israel, who had asked to exercise his right of reply.

The representative of the United States noted in reply that while the Council might benefit from the views to be expressed by the representative of Israel, continuing a discussion of the matter at hand without further reports on the development of the question would serve no purpose.

The President then observed that since there was no objection to the motion at hand, he would accordingly suspend the meeting for consultation. He added that the motion of the United States had been made under rule 33, and that it should therefore be decided without debate.

<sup>92</sup> 1442nd meeting (PV), p. 62.

<sup>93</sup> For texts of relevant statements, see: 1350th meeting (PV): President (Denmark), pp. 38, 41, 42, 43, 44-45; Bulgaria, pp. 26-27, 41-42; Canada, pp. 37-38, 41-42; Ethiopia, pp. 42-43.

<sup>94</sup> For texts of relevant statements, see: 1442nd meeting (PV): President (Brazil), pp. 48-50, 51, 52, 57 and 62; Algeria, pp. 51, 52, 53-55 and 57; Canada, p. 56; Hungary, p. 56; USSR, pp. 58-60 and 61; United States, p. 52.



At that point, the representative of the USSR asked to be recognized on a point of order.

The President, after ascertaining that the point to be raised by the representative of the USSR was not related to the motion, stated:

"Since I have not recognized the representative of Israel on a point which does not concern the motion, I am afraid that I cannot make an exception until we have reached a decision on the point of order under rule 33. I have before me a motion to suspend the meeting. This, of course, does not exclude the possibility of continuing the discussion after the suspension

for whatever purposes the Council may decide, but I must ask the Council to decide on the motion without debate, as required under rule 33. Is there any objection to the motion to suspend the meeting?"

Following a request by the representative of the USSR to raise a point of order, which was not granted, the President declared the meeting suspended.<sup>95</sup>

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<sup>95</sup> For texts of relevant statements, see: 1448th meeting (PV): President (Canada), pp. 37, 38-40, 41-45; USSR, pp. 38-40; United States, p. 37.

## Part VI

### \*\*VOTING (RULE 40)

## Part VII

### \*\*LANGUAGES (RULES 41-47)

## Part VIII

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

## Part IX

### \*\*APPENDIX TO PROVISIONAL RULES OF PROCEDURE