

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 that 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), Voting, 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 did not consider 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 arose regarding the application of the rule, especially where discussion took 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 that arose in the proceedings of the Council under its provisional rules.

Part I

MEETINGS (RULES 1-5)

NOTE

During the period under review, there were no special instances of application of rules 2-5.

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

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

Rule 1

CASE 1

At the 2190th meeting, on 7 January 1980, in connection with the letter dated 3 January 1980 from 52 Member States regarding Afghanistan, the President (France), after observing that it had been suggested that the meeting

be suspended, proceeded to do so, stating that the meeting would be reconvened after consultation. The meeting was resumed on 9 January 1980.¹

CASE 2

At the 2191st meeting, on 11 January 1980, in connection with the letter dated 22 December 1979 from the representative of the United States, the President (France), after informing the Council that in the absence of any objection he would suspend the meeting immediately, proceeded to do so, stating that the "meeting is suspended until 6 p.m. tomorrow". The meeting was resumed on 13 January 1980.²

¹See 2190th mtg. and Corr.1 and Add.1, para. 141.

²See 2191st mtg. and Add.1, para. 9.

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 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. In practice, however, 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 when at the beginning of each year the representatives of the newly elected non-permanent members of the Council are designated. This practice was followed during the period under review.

In one instance during the period under review, objections were raised to the inclusion in the agenda of a request for a meeting of the Council on the ground that it constituted an interference in the internal affairs of a Member State. The Council, having heard the objections, extended an invitation to the delegation of the party requesting the meeting and suspended its meeting in order to enable the Secretary-General to examine the credentials of the representatives appointed in accordance with rule 14 of the provisional rules of procedure. Following the resumption of the meeting, the Council approved the report of the Secretary-General submitted in accordance with rule 15 of the provisional rules of procedure (case 3).

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

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

Rule 13

CASE 3

At the 2108th meeting, on 11 January 1979, item 2 on the provisional agenda read as follows:

Telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea to the President of the Security Council (S/13003).

At the outset, the representative of the Union of Soviet Socialist Republics objected to the inclusion of the item in the agenda, stating that the régime of Mr. Pol Pot had fallen on 1 January 1979 and did not represent the Kampuchean people. A new Government of Democratic Kampuchea had been formed headed by Mr. Heng Samrin, and his Government had not requested a meeting of the Council; to the contrary, the new Government had sent an official communication³ to the President of the Council objecting to the Council's impending consideration of the item as interference in the internal affairs of Democratic Kampuchea.

The representative of China stated that an armed aggression had been launched by Viet Nam against Democratic Kampuchea with Soviet support, seriously violating the independence, sovereignty and territorial integrity of Democratic Kampuchea and causing a grave threat to international peace and security. Under the Charter, any Member State had the right to ask for a meeting of the

³S/13013, *OR*, 34th yr., *Suppl. for Jan.-March 1979*.

Council to consider any issues threatening international peace and security. The Government of Democratic Kampuchea had been recognized by the United Nations and its credentials accepted by the General Assembly at its thirty-third session. Attempts to oppose the meeting of the Council on the ground that Phnom Penh had fallen to Vietnamese troops were preposterous. Temporary setbacks on the battlefield and the temporary loss of the capital in no way affected the legal status of the Government of Democratic Kampuchea.

The President then stated that the question of holding the meeting and the question of the agenda had been discussed during informal consultations of the Council and in the light of those consultations and the views expressed by some members at the current meeting he would consider the agenda adopted.⁴

After further statements by the representatives of the USSR and Czechoslovakia objecting to the participation of the delegation of Democratic Kampuchea in the Council meeting and by Bangladesh, China, Kuwait and the United States supporting it, the President stated that he was suspending the meeting briefly, in accordance with rule 15 of the provisional rules of procedure, in order to enable the Secretary-General to examine the credentials of the appointed representatives of Democratic Kampuchea in accordance with rule 14 and to issue a report. After resumption of the meeting, the President drew the attention of members to the report of the Secretary-General.⁵

⁴For the texts of the relevant statements, see 2108th mtg.: President (Jamaica), paras. 28-30, 67 and 68; Bangladesh, paras. 63-65; China, paras. 16-22 and 46-52; Czechoslovakia, paras. 54 and 55; USSR, paras. 34, 35 and 40-45; and United States, paras. 56-59.

⁵S/13021, *OR*, 34th yr., *Suppl. for Jan.-March 1979*.

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 was one case of special interpretation of rule 20 on the temporary cession of the chair.

The Council continued to resort to informal consultations as a procedure for facilitating the reaching of its decisions. Agreements or consensus resulting from such consultations were, in some instances, presented to the Council by the President in the form of a statement of consensus⁶ or a draft resolution,⁷ which the Council, at its formal meeting, then approved without further debate. In other instances, such agreements or consensus were

announced by the President in notes or letters circulated as Council documents.⁸

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

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

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

Rule 20

CASE 4

At the 1866th meeting, on 16 December 1975, in connection with a question submitted by Iceland, the President, after quoting rule 20 of the provisional rules

⁶For the texts of such statements, see, for example, 2010th mtg., paras. 1 and 2; 2035th mtg., paras. 2-5; 2051st mtg., paras. 1 and 2; 2079th mtg., para. 3; 2106th mtg., paras. 7 and 8; 2140th mtg., para. 24; 2151st mtg., para. 8; S/13616, *OR*, 34th yr., *Suppl. for Oct.-Dec. 1979*, p. 61; 2172nd mtg., paras. 13-17; and *Resolutions and Decisions of the Security Council, 1980*, pp. 23 and 24.

⁷For the texts of such resolutions see, for example, S/11858, adopted without change as resolution 377 (1975); S/11865, adopted without change as resolution 379 (1975); S/11870, adopted without change as resolution 380 (1975); S/12103, adopted without change as resolution 392 (1976); S/12260, adopted without change as resolution 402 (1976); S/12282/Rev.1, adopted without change as resolution 404 (1977); S/12322, adopted without change as resolution 405 (1977); S/12793, adopted without change as resolution 432 (1978); S/12940, adopted without change as resolution 440 (1978); and S/13645, adopted without change as resolution 455 (1979).

⁸For the texts of such notes or letters, see, for example, S/11595, *OR*, 30th yr., *Suppl. for Jan.-March 1975*; S/11750, *ibid.*, *Suppl. for July-Sept. 1975*; S/11768, *ibid.*; S/11808, *ibid.*; S/12089, *ibid.*, 31st yr., *Suppl. for April-June 1976*; S/12104, *ibid.*; S/12274, *ibid.*, 32nd yr., *Suppl. for Jan.-March 1977*; S/12411, *ibid.*, *Suppl. for Oct.-Dec. 1977*; S/13196, *ibid.*, 34th yr., *Suppl. for Jan.-March 1979*; S/13281, *ibid.*, *Suppl. for April-June 1979*; S/13364, *ibid.*; S/13586, *ibid.*, *Suppl. for Oct.-Dec. 1979*; S/13669, *ibid.*; S/13755, *ibid.*, 35th yr., *Suppl. for Jan.-March 1980*; S/14166, *ibid.*, *Suppl. for July-Sept. 1980*; and S/14309, *ibid.*, *Suppl. for Oct.-Dec. 1980*.

of procedure, stated that the rule placed the matter of temporary cession of the chair entirely within the discretion of the President. Having looked at precedents that might apply to the particular occasion, he had gathered that Presidents had not customarily vacated their chair when the Council was considering questions with which their Governments were directly concerned. In fact, the only precedent for such action in the past 20 years or more had been the decision by his predecessor in May 1968 to vacate the chair in connection with the question of Southern Rhodesia. After fully

considering the circumstances of the current case, however, he had decided to follow his predecessor's example and to exercise the discretion provided to him under rule 20. He would consequently vacate the chair and would invite the representative of the United Republic of Cameroon to occupy the presidential chair for the purpose of the consideration of the question on the Council's agenda. The representative of the United Republic of Cameroon then took the chair.⁹

⁹For the text of the relevant statement, see: 1866th mtg., paras. 2-8.

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 connection with the meetings of the Security Council.

Within the period under review, the Secretary-General was requested or authorized: (a) to continue and intensify his consultations with the parties concerned with respect to the question of Western Sahara and to report to the Council as soon as possible;¹⁰ (b) to organize, in collaboration with the appropriate organizations of the United Nations system, all forms of financial, technical and material assistance to Mozambique and Lesotho in order to enable them to overcome the economic difficulties arising from their application of economic sanctions against South Africa;¹¹ (c) to give the matter of assistance to Botswana his continued attention;¹² (d) to appoint a representative to enter into discussions with the British Resident Commissioner designate and with all the parties concerning the military and associated arrangements necessary to effect the transition to majority rule in Southern Rhodesia;¹³ (e) to provide necessary assistance to the Special Mission of the Council being sent to Benin to investigate the events of 16 January 1977 at Cotonou;¹⁴ (f) to appoint a Special Representative for Namibia to ensure the early independence of Namibia through free elections under United Nations supervision;¹⁵ (g) to continue to take all effective measures necessary in accordance with the approved guidelines and terms of reference of the United Nations Interim Force in Lebanon;¹⁶ (h) to provide necessary facilities to the Commission of the Council established to examine the situation relating to settlements in the occupied Arab territories;¹⁷ (i) to assist in the implementation of paragraph 5 of resolution 460 (1979) of 21 December 1979;¹⁸ (j) to obtain available information from the People's Republic of Angola on the human casualties and material and other damage resulting from repeated acts of aggression committed by South Africa;¹⁹ (k) to report on his

good offices efforts in connection with the Iran "hostage" situation;²⁰ (l) to convene a meeting of the Israel-Lebanon Mixed Armistice Commission to agree on precise recommendations and to reactivate the General Armistice Agreement;²¹ and (m) to take the necessary measures to intensify discussions among all the parties concerned so that the United Nations Interim Force in Lebanon might complete its mandate.²²

In a number of instances the Secretary-General was also requested to follow the implementation of resolutions or to keep certain questions under review, reporting on their developments to the Council as requested by the Council.²³ Furthermore, the Secretary-General, when appropriate, submitted reports on developments relating to

¹⁰Resolution 447 (1979) of 28 March 1979.

¹¹Resolution 461 (1979) of 31 December 1979.

¹²Resolution 467 (1980) of 24 April 1980.

¹³Resolution 483 (1980) of 17 December 1980.

¹⁴In connection with the situation in Namibia, resolution 431 (1978) of 27 July 1978, resolution 435 (1978) of 29 September 1978 and resolution 439 (1978) of 13 November 1978; in connection with the question of Timor, resolution 384 (1975) of 22 December 1975 and resolution 389 (1976) of 22 April 1976; in connection with the complaint by Kenya concerning the aggression by South Africa against Angola, resolution 387 (1976) of 31 March 1976, in connection with the complaint by Lesotho against South Africa, resolution 402 (1976) of 22 December 1976; in connection with the question of South Africa, resolution 407 (1977) of 25 May 1977, resolution 418 (1977) of 4 November 1977 and resolution 473 (1980) of 13 June 1980; in connection with the situation in Southern Rhodesia, resolution 415 (1977) of 29 September 1977 and resolution 423 (1978) of 14 March 1978; in connection with the complaint by Benin, resolution 405 (1977) of 14 April 1977 and resolution 419 (1977) of 21 November 1977; in connection with the situation in the Middle East, resolution 368 (1975) of 17 April 1975, resolution 369 (1975) of 28 May 1975, resolution 371 (1975) of 24 July 1975, resolution 378 (1975) of 21 October 1975, resolution 381 (1975) of 30 November 1975, resolution 390 (1976) of 28 May 1976, resolution 396 (1976) of 22 October 1976, resolution 398 (1976) of 30 November 1976, resolution 416 (1977) of 21 October 1977, resolution 425 (1978) of 19 March 1978, resolution 429 (1978) of 31 May 1978, resolution 434 (1978) of 18 September 1978, resolution 436 (1978) of 6 October 1978, resolution 438 (1978) of 23 October 1978, resolution 449 (1979) of 30 May 1979, resolution 456 (1979) of 30 November 1979, resolution 468 (1980) of 8 May 1980, resolution 469 (1980) of 20 May 1980, resolution 470 (1980) of 30 May 1980, resolution 478 (1980) of 20 August 1980, resolution 481 (1980) of 26 November 1980 and resolution 483 (1980) of 17 December 1980; in connection with the situation in Cyprus, resolution 367 (1975) of 12 March 1975, 370 (1975) of 13 June 1975, resolution 383 (1975) of 13 December 1975, resolution 391 (1976) of 15 June 1976, resolution 401 (1976) of 14 December 1976, resolution 410 (1977) of 15 June 1977, resolution 414 (1977) of 15 September 1977, resolution 422 (1977) of 15 December 1977, resolution 430 (1978) of 16 June 1978, resolution 440 (1978) of 27 November 1978, resolution 443 (1978) of 14 December 1978, resolution 451 (1979) of 15 June 1979, resolution 458 (1979) of 14 December 1979, resolution 472 (1980) of 13 June 1980 and resolution 482 (1980) of 11 December 1980; and in connection with the situation between Iran and Iraq, resolution 479 (1980) of 28 September 1980.

¹⁵Resolution 437 (1975) of 22 October 1975.

¹⁶Resolution 486 (1976) of 17 March 1976, resolution 402 (1976) of 22 December 1976, resolution 407 (1977) of 28 May 1977, and resolution 411 (1977) of 30 June 1977.

¹⁷Resolution 406 (1977) of 25 May 1977.

¹⁸Resolution 415 (1977) of 29 September 1977.

¹⁹Resolution 404 (1977) of 8 February 1977.

²⁰Resolution 431 (1978) of 27 July 1978.

²¹Resolution 444 (1979) of 19 January 1979 and resolution 489 (1979) of 19 December 1979.

²²Resolution 446 (1979) of 22 March 1979.

²³Resolution 460 (1979) of 21 December 1979.

the maintenance of international peace and security in response to the Council's requests contained in resolutions or during meetings.

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

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

Rule 21

CASE 5

At its 1830th meeting, on 13 June 1975, in connection with the situation in Cyprus, the Council adopted resolution 370 (1975), which, under paragraph 6, requested the Secretary-General to continue his mission of good offices. The Secretary-General, taking note of the draft resolution, assured the Council of his best efforts to achieve progress but expressed concern at the absence of progress on the substance of the problem.²⁴

CASE 6

At the 1854th meeting, on 6 November 1975, in connection with the situation concerning Western Sahara, the Secretary-General informed the Council that pursuant to resolution 379 (1975) he had been in constant touch with the parties concerned and had made several oral reports during his consultations with the members of the Council. He assured the Council of his continuing efforts to bring about a peaceful solution of the problem.²⁵

CASE 7

At the 2035th meeting, on 21 October 1977, in connection with the situation in the Middle East, the Secretary-General made a statement with regard to his report on the United Nations Emergency Force. Following the Secretary-General's statement, a draft resolution²⁶ was adopted extending the mandate of the Force. After the adoption of the draft resolution the representative of the USSR made the following statement:

In consenting to a renewal of the mandate of the United Nations Emergency Force, the Soviet delegation acts in the belief that the Secretariat of the United Nations and the Command of the Force will make persistent efforts to see to it that the troops are maintained as economically as possible. In this connection, we have drawn attention to the assurance in the report of the Secretary-General that he and his

²⁴ 1830th mtg., paras. 10-12.

²⁵ 1854th mtg., paras. 8 and 9.

²⁶ Resolution 416 (1977) of 21 October 1977.

staff will constantly take into account the need for maximum economy in the use of the funds for the maintenance of the Force. The delegation of the Soviet Union considers that, in the present circumstances, it would be possible to carry out certain reductions in the strength of the Force without any detriment to the performance of its functions. Such a step would make it possible to reduce expenses in the maintenance of the Force and would relieve the burden of expense on Member States.²⁷

CASE 8

At the 2172nd meeting, convened at the request²⁸ of the Secretary-General on 27 November 1979 in connection with the letter dated 25 November 1979 from the Secretary-General, he made the following statement, which reads, *inter alia*, as follows:

As members of the Council are aware, within the past three weeks I have been continuously involved in efforts to find means of resolving this very serious problem. Similar efforts have been made by you, Mr. President, as well as by many Governments. I take this opportunity to express my sincere appreciation for these efforts.

We all know the basic elements of the problem before us. The Government of the United States is deeply concerned at the seizure of its embassy at Teheran and the detention of its diplomatic personnel, in violation of the relevant international conventions. The Government of Iran seeks redress for injustices and abuse of human rights which, in its view, were committed by the previous régime.

A major concern, of course, must be for the fate of the individuals involved. But apart from the humanitarian, legal and psychological aspects of the problem there can be no question that the international community has become increasingly disturbed at the dangerous level of tension arising from this situation. This threatens the peace and stability of the region and could well have very grave consequences for the entire world. In the prevailing circumstances it became clear to me that the efforts I have mentioned, which were conducted with good faith and determination, could not for the time being overcome the very difficult obstacles with which we were faced. Although at times in the past few days agreement seemed close, in the end the gap appeared to be too wide to be bridged at this stage.

It was in the light of these developments and of the escalation of tension that I concluded that the present crisis poses a serious threat to international peace and security. Accordingly, in the exercise of my responsibility under the Charter, I asked for the urgent convening of the Security Council. I may mention here that this move was supported and welcomed by the Governments of Iran and the United States. As you are aware, Mr. President, it was also unanimously supported by the members of the Council in the consultations which took place yesterday. I earnestly hope that the Council can be of assistance in helping the parties to find ways and means to reconcile their differences. In this connection, I was pleased to have confirmation today that the Foreign Minister of Iran will come to New York to participate in our deliberations.

²⁷ For the texts of the relevant statements, see 2035th mtg.: Secretary-General, paras. 6-8; and USSR, para. 41.

²⁸ 2172nd mtg., paras. 6-9.

Part V

CONDUCT OF BUSINESS (RULES 27-36)

NOTE

Part V sets out the cases bearing on rules 27-36. Cases relating to rules 37-39 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 connection with rule 28. During the period under review, there were no special instances of the application of rules 29, 32 and 34-36.

As in the previous volumes of the *Repertoire*, the cases assembled in this part are indicative of the special problems that arose in the application of the rules on the

conduct of business, rather than the routine practice of the Council. They relate to such matters as the following points:

Rule 27

The order of intervention in the debate (cases 5-9) and on limiting statements in the exercise of right of reply.

Rule 30

The extent to which the President would rule on a point of order (cases 10-12). There were 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 are not included in the study.

Rule 31

The requirement of written submission for proposed resolutions, amendments and substantive motions (cases 13 and 14).

Rule 33

On suspension and adjournment of meetings (case 15).

Rule 34

On proposing a draft resolution without need to be seconded (cases 16 and 17).

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

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

Rule 27

CASE 5

At the 1885th meeting, on 30 January 1976, in connection with the situation in Namibia, the President (United Republic of Tanzania), after the conclusion of the debate on the item, informed the Council that he had received a telegram from the Head of State of the Comoros protesting a planned referendum in Mayotte by France and requesting an urgent meeting of the Council. The President then gave the floor to the representative of the Libyan Arab Republic, who, while proceeding to make a substantive statement on the request by the Head of State of the Comoros, was called to order by the President stating that since the item was not on the Council's agenda, it was not appropriate to go into the details of the question. The representative of the Libyan Arab Republic replied that he was not going into the details of the question but merely trying to explain why the Council ought to take urgent action.

The representative of France raised a formal objection to the statement by the representative of the Libyan Arab Republic, stating that while he could request a meeting of the Council he could not discuss a question until it was put on the Council's agenda. The representative of the Libyan Arab Republic then attempted to continue his statement and the representative of France again raised a point of order, repeating his objection. When the President again appealed to the representative of the Libyan Arab Republic not to make a statement on the question, he replied that he was not making a statement but merely pointing out the urgency of the question and that a meeting should be held the following day or the day after that. The President assured him that, in the consultations that the Council President would undertake, the specific suggestions of the representative of the Libyan Arab Republic would be taken into account.²⁹

CASE 6

At the conclusion of the 2017th meeting, on 29 June 1977, the President (Canada) informed the Council that

²⁹For the texts of the relevant statements, see 1885th mtg.: President (United Republic of Tanzania), paras. 125, 126, 129, 131, 133, 135, 137, 140 and 142; France, paras. 132 and 138; Libyan Arab Republic, paras. 127, 128, 130, 134, 136, 139 and 141.

there was a list of speakers for both the morning and afternoon meetings the following day and that the speakers inscribed on the lists wished to speak before the vote. The representative of Mauritius asked the President whether the speakers would speak on the substance of the issue or in explanation of vote before the vote as it was his understanding that when inscribing their names on the list of speakers, the representatives indicated whether they wished to speak on the substance of the issue or in explanation of vote. The representative of the United Kingdom stated that in his understanding the speakers were entitled to speak both on the substance and in explanation of vote before the vote. The President, agreeing with the representative of the United Kingdom, stated that "we have now reached an understanding of the situation".³⁰

CASE 7

At the 2054th meeting, on 15 December 1977, in connection with the question of Cyprus, the President (Mauritius) informed the Council that Mr. Vedat A. Çelik, who had been invited under rule 39 of the provisional rules of procedure, was leaving the following day. In order to enable him to speak it was his suggestion that Mr. Çelik and the representatives of Cyprus, Greece and Turkey be given priority to speak after the conclusion of the voting on the draft resolution before the Council and that members forego making their statements in explanation of vote. Members could hand their statements to the President who would then hand them to the Secretary-General to be bound in one volume and considered an official document of the Council.

The representative of Benin stated that the President had deviated from the understanding reached during consultations to have the voting at the current meeting and hear explanations of vote the following day. His delegation intended to have its say in a sovereign manner in the debate and not to submit a written document to the Secretariat.

The representative of Canada, supported by the representatives of France and Panama, suggested that Mr. Çelik be allowed to speak at the current meeting and defer until the following day statements to be made by members of the Council in explanation of vote. The Council would be put in an awkward position if parties invited under rule 37 or 39 were allowed to speak and members were prevented from doing so and their statements simply circulated.

The President said he would suspend the meeting for five minutes to enable members to meet in his office. He had an important communication to impart to them that would render Canada's suggestion unacceptable although *prima facie* it seemed acceptable.

After the resumption of the meeting, the draft resolution was put to the vote and statements were made by the representatives of Cyprus and Greece, followed by statements by Mr. Çelik and the representative of Turkey.³¹

CASE 8

At the 2109th meeting, on 12 January 1979, in connection with the telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea, the representative of Cuba made a statement in exercise of the right of reply following a

³⁰For the texts of the relevant statements, see 2017th mtg.: President (Canada), paras. 90, 92 and 96; Mauritius, paras. 91 and 93; and United Kingdom, para. 95.

³¹For the texts of the relevant statements, see 2054th mtg.: President (Mauritius), paras. 3-5; Benin, para. 10; Canada, para. 12; France, para. 13; and Panama, paras. 14-16.

statement in right of reply by the representative of Democratic Kampuchea. After the representative of Cuba had spoken, the representative of Democratic Kampuchea again asked to make another statement in right of reply. The representative of the USSR, on a point of order, stated that the representative of Democratic Kampuchea should not be permitted to take the floor again as his statement "would be detrimental to the dignity of the Security Council". The President (Jamaica) stated that representatives invited under rule 37 were entitled to speak in right of reply. The representative of Kuwait, on a point of order, appealed to the representative of Democratic Kampuchea not to exercise his right of reply for the present "in order to preserve the dignity of the Council". The President, stating that the view expressed by the representative of Kuwait "should command the Council's attention", urged the Council to "accept the notion" put forward by him. The representative of Democratic Kampuchea did not then insist on the right of reply.³²

CASE 9

At the 2248th meeting, on 28 September 1980, in connection with the situation between Iran and Iraq, following the voting on a draft resolution before the Council, the representative of Iraq asked the President if his understanding was correct that his delegation had been invited in accordance with the provisions of the Charter and the provisional rules of procedure of the Council to participate, without vote, in the deliberations of the Council. If so, he would like to draw the attention of the Council to something of extreme importance.

The President (Tunisia) replied that the request by the representative of Iraq to speak had been inscribed and he would be given the floor in due course.

When the representative of Iraq was given the floor in accordance with the list of speakers, he stated that, as the President would recall, he had asked to speak before the adoption of the resolution. There had been an understanding on that point and he regretted that the President, in his wisdom, "saw fit to go back on the understanding you gave me that you would give me that opportunity". He then quoted his statement at the 2247th meeting, wherein he had requested that, before embarking on any substantive discussions of the conflict and consideration of any draft resolutions, the Council give his Government an opportunity to present its case in full through its Foreign Minister, who was willing and ready to come to New York to address the Council as soon as he was informed that the council was proceeding to a substantive debate. Now that the Council had indeed embarked on a substantive debate and had already adopted a resolution, his delegation regretted that its requests had not been heeded.

The President stated that he had only followed the customary procedure of the Council in conducting the current meeting of the Council and he had done so after consultations with the members of the Council. The consensus in the Council was that the Foreign Minister of Iraq would participate in the debate.³³

Rule 30

CASE 10

At the 1889th meeting, on 18 February 1976, in connection with the communications from France and

Somalia concerning the incident of 4 February 1976, the representative of Somalia had the floor when the representative of France raised a point of order. He said that the item on the agenda concerned the incident on the border between the French Territory of the Afars and the Issas and Somalia and requested the representative of Somalia to confine himself to that subject and not to enter into considerations of France's policy pertaining to that Territory.

The representative of Somalia stated that the border incident could not be isolated from its basic cause and therefore he was within his rights and within the scope of the item on the agenda.

The representative of France, disagreeing with the representative of Somalia, stated that the question of the French Territory was a matter of domestic policy of the Territory and fell under the global question of decolonization. That question was not on the agenda of the current meeting and therefore should not be raised at the current time.

The President (United States) stated that while a certain latitude was permitted in the debates of the Council, the item on the agenda was confined to the border incident, as was the communication from the representative of Somalia to the Council. He therefore requested the representative of Somalia to attempt to keep within the framework of the agenda.

The representative of Somalia said that his statement fell within the wider context of the item under discussion, and he reiterated that he was speaking within the framework of the item on the agenda.

The President ruled that since there was a certain latitude in the debates of the Council, the representative of Somalia could proceed with his statement without prejudice to the agreed agenda.

The representative of Somalia resumed his statement but the representative of France again raised a point of order objecting to the deviation by the representative of Somalia from the item under discussion.

The representative of the United Republic of Tanzania stated that the President's ruling was wise and that the representative of Somalia should be allowed to make his statement without prejudice to the item on the agenda. The President again stated his ruling that the representative of Somalia was free to continue his statement. The representative of Somalia thanked the President for his ruling and observed that it was very difficult to separate an aggression from the cause of the aggression and that it was necessary to provide the Council with the background of the aggression. Before he could resume his statement, however, the representative of France again urged the representative of Somalia to remain within the limits of the latitude accorded in Council debates, failing which he would "reserve any right to react to what he says".

The President, pointing out that the representative of Somalia was reading from a prepared text, observed that he should be allowed to finish reading the text. The representative of France, or any other member of the Council, of course had the right to reply in as much detail as he desired. He then again urged the representative of Somalia to resume his statement, which he proceeded to do without further interruption.³⁴

³²For the texts of the relevant statements, see 2109th mtg.: President (Jamaica), paras. 124, 125, 127-129 and 131; Cuba, paras. 117-123; Democratic Kampuchea, paras. 96-115; Kuwait, para. 130; and USSR, para. 126.

³³For the texts of the relevant statements, see 2248th mtg.: President (Tunisia), paras. 16-18 and 130-133; and Iraq, paras. 13, 15 and 120-125.

³⁴For the texts of the relevant statements, see 1889th mtg.: President (United States), paras. 45, 47, 49, 51, 54, 55, 58, 68, 69, 73, 76, 77, 103 and 104; France, paras. 46, 50, 59, 61, 74 and 75; Somalia, paras. 48, 52, 56, 57, 70, 71, 72, 78-97, 102 and 105; and the United Republic of Tanzania, paras. 64-67.

CASE 11

At the 2055th meeting, on 16 December 1977, in connection with the situation in Cyprus, the President (Mauritius), at the request of the representative of Turkey, gave the floor to Mr. Nail Atalay under rule 39 of the provisional rules of procedure. When Mr. Atalay, in the course of his statement, referred to the Permanent Representative of Cyprus to the United Nations by his name rather than his title, the latter raised a point of order and requested the President to "inform the person appearing here now under rule 39 of the provisional rules of procedure" that he should address himself to all representatives of Member States by their proper titles and not "affix to them titles imposed by others".

The representative of Turkey, on a point of order, stated that all representatives and persons speaking in the Council had the right to address other representatives as they wished. That had been an established practice in the United Nations for a long time and he recalled that there had been a time when a certain representative was described as "this gentleman who represents only himself". Mr. Atalay was therefore within his rights to address "the representative who presumes to speak on behalf of Cyprus" in the manner that he did.

The representative of Cyprus stated that while the representatives could address any other representative in whichever way they saw fit, that was not in the "proper order" of the United Nations and, in any case, "the person regarding whom I made the objection" was not a representative of a Member State.

The President stated that he had noted the objection raised by the representative of Cyprus and called upon Mr. Atalay to proceed with his statement.³⁵

CASE 12

At the 1940th meeting, on 12 July 1976, in connection with the complaint by Mauritius, current Chairman of OAU, of the "act of aggression" by Israel against Uganda, the representative of the Libyan Arab Republic, speaking on a point of order, proceeded to make a substantive statement. The representative of Israel then requested the floor on a point of order and asked the President (Italy) "when is a point of order a point of order?". The President stated that all he could do to reply to the representative of Israel was to read out rule 30 of the provisional rules of procedure.³⁶

Rule 31

CASE 13

Towards the conclusion of the 1929th meeting, on 18 June 1976, in connection with the situation in South Africa, the President (Guyana) announced that the sponsors of the draft resolution³⁷ before the Council had made some additions to the text. He then proceeded to read the revised text orally.³⁸

CASE 14

At the 2090th meeting, on 10 October 1978, in connection with the situation in Southern Rhodesia, the President (France), stating that certain delegations had expressed a desire to submit amendments to the draft

³⁵For the texts of the relevant statements, see 2055th mtg.: President (Mauritius), paras. 166, 167, 179 and 180; Cyprus, paras. 174 and 178; and Turkey, para. 176.

³⁶For the texts of the relevant statements, see 1940th mtg.: President (Italy), para. 16, Israel, para. 15, and Libyan Arab Republic, paras. 6-12.

³⁷S/12103.

³⁸1929th mtg., para. 161.

resolution before the Council, suspended the meeting for 10 minutes to consider the amendments. After the resumption of the meeting, the President read the revised text orally.³⁹

Rule 33

CASE 15

At the 2045th meeting, on 31 October 1977, in connection with the question of South Africa, the representative of Canada made a proposal to adjourn the meeting until the following day under rule 33 of the provisional rules of procedure. The representative of Mauritius supported the proposal to adjourn the meeting but requested that the date for the next meeting of the Council be fixed by the new President after due consultations with members of the Council. The representative of the Libyan Arab Jamahiriya proposed that the Council vote on the two proposals—one for adjournment and the other for the date of the next meeting.

The President (India) stated that since the representatives of the Libyan Arab Jamahiriya and Mauritius had proposed the adjournment of the meeting, that proposal would take precedence over the Canadian proposal to adjourn the meeting to a certain day under rule 33.

The representative of the United Kingdom stated that the representatives of the Libyan Arab Jamahiriya and Mauritius had been allowed to speak contrary to the rules to make their proposal for adjournment. Under the rules of procedure, the Canadian motion should have been decided upon without further debate.

After further debate, the representative of Canada said that, on the understanding that there would be informal consultations by the Council the following day with the view to holding an early formal meeting, he would withdraw his motion.⁴⁰

Rule 34

CASE 16

At the 1941st meeting, on 12 July 1976, in connection with the complaint by Mauritius, current Chairman of OAU, of the "act of aggression" by Israel against Uganda, the representative of the Libyan Arab Republic, exercising his right of reply, criticized the representative of the United Kingdom for the "hasty introduction" of a draft resolution, without appropriate consultations, "in order to detract the Council from the agreed agenda". The "counter-draft resolution" was designed to sabotage the sincere and delicate efforts of the African States that had prepared a working paper and were engaged in informal consultations to arrive at an agreed text. He expressed deep concern at that departure by the representative of the United Kingdom from established practice and from the normal procedure of the Council.

The representative of the United Kingdom rejected the contention that he had departed from any rule of procedure of the Council.⁴¹

CASE 17

At the 1942nd meeting, on 13 July 1976, in connection with the complaint by Mauritius, current Chairman

³⁹2090th mtg., paras. 1-4.

⁴⁰For the texts of the relevant statements, see 2045th mtg.: President (India), paras. 75, 76, 78 and 79; Canada, paras. 66 and 84; Libyan Arab Jamahiriya, paras. 72-74; Mauritius, paras. 67-69; and United Kingdom, para. 77.

⁴¹For the texts of the relevant statements, see 1941st mtg.: Libyan Arab Republic, paras. 179-187; and United Kingdom, paras. 188-191.

of OAU, of the "act of aggression" by Israel against Uganda, the representative of Mauritius, raising a point of order, objected that the debate was proceeding to a discussion of issues that were extraneous and irrelevant to the item on the agenda. The draft resolution presented by the representatives of the United Kingdom and the United States was itself irrelevant to the issue being discussed and therefore the question arose whether that draft resolution was even "receivable" by the Council. He requested a ruling by the President on that point.

The President (Italy) replied that the point raised had already been settled at a previous meeting and it was out of respect for the representative of Mauritius that he had

not called him out of order in raising a matter that had previously been settled.

The representative of the Libyan Arab Republic, supporting the representative of Mauritius, stated that the question was not of the right of delegations to submit a draft resolution but whether it was relevant or irrelevant to the issue being considered.

The President appealed to members of the Council not to raise procedural questions that had already been settled and to proceed with the debate.⁴²

⁴²For the texts of the relevant statements, see 1942nd mtg.: President (Italy), para. 63; Libyan Arab Republic, paras. 66-68; and Mauritius, paras. 60-62.

Part VI

VOTING (RULE 40)

NOTE

Rule 40 of the provisional rules of procedure contains no detailed provisions concerning the mechanics of the vote or the majorities by which the various decisions of the Council should be taken. It simply provides that voting in the Council shall conform to the relevant Articles of the Charter and of the Statute of the International Court of Justice. Material concerning the majorities by which the decisions of the Council should be taken will be found in chapter IV: Voting. Material concerning certain aspects of the mechanics of voting has already been presented elsewhere in this chapter.

During the period under review, members of the Council on certain occasions referred to a rule that does not appear in the provisional rules of procedure of the Council but in the rules of the General Assembly, under which voting may not be interrupted once it is in progress except for reasons relating to the actual conduct of the voting.

On certain other occasions, members of the Council were recorded, as in the past, as not participating in the vote on resolutions declared to have been adopted.

At the 1888th meeting, on 6 February 1976, in connection with the situation in the Comoros, after the Council had rejected a draft resolution⁴³ by a vote of 11 in favour, 1 against (France) and 3 abstentions, the representative of Benin questioned the right of France, as a party to the dispute, to participate in the vote. He said that he was not challenging the vote but simply raising a question as to its propriety. The representative of the Libyan Arab Republic also expressed his "most explicit reservations" concerning the vote, and stated that he would like to place on record his delegation's view that in accordance with Article 27, paragraph 3, of the Charter, France was not entitled to vote as a party to the dispute.

The representative of France stated that the situation in the Comoros was parallel to the situation in the Panama Canal Zone and when the Council had discussed the matter in Panama in 1973, no one had questioned the right to vote of Panama or of the United States, both of which had been parties to the dispute. During the past 25 years, the Council had on several occasions been confronted with similar situations, where States directly or indirectly concerned in the matter had not been prevented from casting their vote, as they would undoubtedly have exercised their vote if the matter had been considered

in the context of Chapter VII of the Charter. To have acted in any other manner would have been tantamount to encouraging those States members of the Council, on measures contemplated in Article 39, to ensure that their right to vote was not challenged.

The representative of Panama stated that he could not agree with the attempts of the representative of France to draw a comparison between the current situation in the Comoros and the situation prevailing in Panama in March 1973. When the Council had visited Panama, it had done so to hold a series of special meetings in order to consider matters relating to the maintenance and strengthening of peace in Latin America as a whole; it had not visited Panama to consider a dispute. Moreover, in Panama no representative had questioned the right of the United States to vote; one could not therefore conclude that that instance constituted a precedent, as the representative of France had done. He also questioned the right of the representative of France to vote.

The representative of France replied that it had been the agenda of the Panama meetings that had dealt with the overall problem of Latin America; however, the draft resolution that had been voted on on 21 March 1973 dealt solely with the problem that at that time existed between the United States and Panama.

The representative of Panama stated that during the Council's meetings in Panama, no representative had questioned the right of the concerned parties to vote under Article 27, paragraph 3, of the Charter and at no time had any Council member requested the President to take a stand on that point. At the current meeting, however, the delegations of Benin and the Libyan Arab Republic and his own were drawing attention to the right of France to vote under Article 27, paragraph 3. He said that the record of the current meeting should reflect the serious doubts harboured by many Council members regarding the right of the representative of France to vote.

The President (United States) stated that had the question of the right of France to vote been raised at the appropriate time and prior to the vote, he believed that the right of France to participate in the voting would have been sustained.

The representative of Panama thanked the President for expressing "to us a point of view that we had not sought from you".

The representative of the United Republic of Tanzania stated that he took it that the President's statement, that the position of France on the right to vote would have been sustained had a ruling been sought, was a personal

⁴³S. 11967, OR, 31st yr., Supp' for Jan.-March 1976

view and not that of the President of the Council; had it been the belief of the President, he would have been asked first to give a ruling, which he had not.

The President stated that since no question as to the propriety of France to vote had been raised in advance of the vote, the "overwhelming" presumption of the proceedings of the current meeting must be that it was

proper and "no shadow of impropriety falls on the specific action".⁴⁴

⁴⁴For the texts of the relevant statements, see 1888th mtg.: President (United States), paras. 292, 293, 295, 297, 310 and 313; Benin, paras. 264-267, 274 and 275; France, paras. 270-273, 281, 282, 285-287 and 289; Libyan Arab Republic, paras. 268, 269, 291 and 294; and Panama, paras. 276-280, 283, 288, 290, 296 and 298.

****Part VII**

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

****NOTE**

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

****B. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 41-47**

Part VIII

PUBLICITY OF MEETINGS, RECORDS (RULES 48-57)

NOTE

In accordance with rule 49, the verbatim records of each meeting are made available in the working languages to the representatives of the Council, as well as to the representatives of any other States that participated in the meeting. A note is incorporated in mimeographed copies of the record showing the time and date of distribution. Corrections are requested in writing, in quadruplicate, within three working days, to be submitted in the same language as the text to which they refer. These corrections are included, in the absence of any objection, in the *Official Record* of the meeting, which is printed and distributed as soon as possible after the time limit for correction. During the period under review, the Council held eight private meetings;⁴⁵ at the close of each, it

issued a communiqué through the Secretary-General in accordance with rule 55 of the provisional rules of procedure.

****A. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 48-57**

B. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 48-57

Rule 51

CASE 18

At the 1853rd meeting, on 6 November 1975, held in private, in connection with the situation in Western Sahara, the President pointed out that although rule 51 provided for the issuance of the record of the meeting in single copy, the Council could follow an alternative course and decide that the verbatim record of the meeting would not be confidential but would be published in the same way as the record of a public meeting. It was so decided.⁴⁶

⁴⁵1840th meeting, 22 September 1975, adoption of the Council's draft report to the General Assembly; 1853rd meeting, 6 November 1975, the situation in Western Sahara; 1965th meeting, 28 October 1976, adoption of the Council's draft report to the Assembly; 1978th meeting, 7 December 1976, election of the Secretary-General; 2050th meeting, 25 November 1977, adoption of the Council's draft report to the Assembly; 2102nd meeting, 30 November 1978, adoption of the Council's draft report to the Assembly; 2173rd meeting, 29 November 1979, adoption of the Council's draft report to the Assembly; and 2249th meeting, 14 October 1980, adoption of the Council's draft report to the Assembly

⁴⁶1853rd mtg., paras. 133, 134 and 136.

****Part IX**

****APPENDIX TO PROVISIONAL RULES OF PROCEDURE**