

Chapter I

PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL

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INTRODUCTORY NOTE

The present chapter contains material pertaining to the practice of the Security Council in relation to its provisional rules of procedure, with the exception of those rules that are dealt with in other chapters, as follows: rules 6-12, in chapter II, "Agenda"; rule 28, in chapter V, "Subsidiary organs of the Security Council"; rules 37-39, in chapter III, "Participation in the proceedings of the Security Council"; rule 40, in chapter IV, "Voting"; rules 58-60, in chapter VII, "Practice relative to recommendations to the General Assembly regarding membership in the United Nations"; and rule 61, in chapter VI, "Relations with other United Nations organs".

The major headings under which the material is entered in this chapter is the same as in previous *Supplements*. The arrangement of each part is based

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

During the period under review, the Council adopted amendments to its provisional rules of procedure on one occasion, when rules 41 and 42 were amended to include Arabic among the working languages of the Council (case 21). The rest of the material in this chapter is concerned with questions that arose regarding the application of a certain rule, especially when there was a discussion regarding variations from the Council's usual practice. The case histories presented here are not meant to provide cumulative evidence of the practices established by the Council, but to indicate special problems that arose in the proceedings of the Council under its provisional rules of procedure.

****Part I**

****MEETINGS (RULES 1-5)**

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 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, a member of the Council raised a point of order concerning the credentials of a Member State that was participating in the discussion under rule 37 of the provisional rules of procedure (case 1). Following a brief suspension of the meeting, the President indicated that the Secretary-General would prepare a report on the matter and the meeting proceeded. The Secretary-General subsequently submitted a report.

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

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

CASE 1

At the 2491st meeting, on 27 October 1983, in connection with the situation in Grenada, the representative of the United States of America raised a point of order and, referring to a communication which he understood the President of the Council to have received from the Governor-General of Grenada, questioned the credentials of the representative of Grenada, who had been invited to participate in the discussion under rule 37 of the provisional rules of procedure. He suggested that the Secretary-General be requested to submit a report on the matter.¹

The President stated that he had received a communication from the Governor-General of Grenada, although it should have been addressed to the Secretary-General, who was concerned with credentials. He noted that there remained some question as to the authenticity of the communication and stated that the matter was still under consultation between the Secretary-General and himself. He then suspended the meeting for a short time. When he resumed the meeting he informed the Council that the Secretary-General would submit a report on the point of order that had been raised.¹

In his report,² dated 31 October 1983, the Secre-

tary-General stated that the President of the Council had received a letter dated 27 October 1983 from the representative of Dominica conveying the text of a communication from the Governor-General of Grenada, which stated that "no person or group is authorized to speak before the United Nations without the expressed permission of the Governor-General or until a new Ambassador is appointed for Grenada", and further stated that the Governor-General had given no such authorization at that time. The Secretary-General reported that he had confirmed the content of the communication in a radio conversation with the Governor-General and had requested a written confirmation addressed to the Secretary-General and signed by the Governor-Gen-

eral. He noted that under rules 13 and 14 of the Council's provisional rules of procedure the credentials of representatives were to be issued by the head of State or Government concerned or by its Foreign Minister, and stated that the Governor-General had the function of head of State in Grenada. According to his understanding, the Governor-General had not removed the Permanent Representative of Grenada to the United Nations from his post, but had limited his authority and power to speak before the United Nations. He concluded that, until the requested letter from the Governor-General had arrived, he would be unable to formulate an opinion as to who was authorized to speak on behalf of Grenada in the Council.

Part III

PRESIDENCY (RULES 18-20)

NOTE

Part III of the present chapter deals with 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 18, which deals with the monthly rotation of the presidency of the Council (case 2), two cases falling within the purview of rule 19, which deals with the conduct of the presidency (cases 3 and 4) and one case relating to rule 20, which deals with the temporary cession of the chair (case 5). In connection with rule 20, there was also one occasion during the period under review when the representative of Iran, in a note verbale³ enclosing an explanation of his Government's position regarding the discussion of the situation between Iran and Iraq in the Council at its 2399th meeting, explained that the communication had been addressed to the Secretary-General and not to the President of the Council because his delegation did not recognize the legitimacy of the Jordanian representative's presiding over the discussion, since Jordan was an active participant in the war.

The Council continued to use informal consultations as a procedure for reaching decisions. In some instances, the President presented the results of such consultations to the Council in the form of a statement of consensus⁴ or as a draft resolution which the Council then adopted without further debate.⁵ In other instances, the President announced the agreement or consensus in a note or letter circulated as a Council document.⁶

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 the present chapter.

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

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

Rule 18

CASE 2

On 13 August 1984, the President of the Council issued a note⁷ stating that, following the official notification on 6 August 1984 that the name of Upper Volta had been changed to Burkina Faso, the members of the Council had considered the application of rule 18 of the Council's provisional rules of procedure and had agreed in informal consultations that the President (Burkina Faso) would continue in office for the month of August and would hold the presidency again in October 1984.

Rule 19

CASE 3

At the 2495th meeting, on 11 November 1983, in connection with the situation in the Middle East, the representative of Israel raised objections to the manner in which the President for the month of October (Jordan) had conducted his office. He recalled that at the 2480th meeting, on 18 October 1983, he had put his name down to speak in exercise of his right of reply but the President, noting that there were requests to exercise the right of reply, had stated that in view of the lateness of the hour he would, with the consent of the Council, adjourn the meeting, and that the time of the next meeting would be decided in consultations. The representative of Israel maintained that the President should normally have announced that the Council would reconvene that afternoon or in the morning or afternoon of the following day. He pointed out that three and a half weeks had elapsed since the 2480th meeting and stated that, to the best of his knowledge, no consultations had taken place until he had approached the current President upon his assumption of the Presidency.⁸

The President observed that, on the occasion to which the representative of Israel referred, the most important purpose of the meeting had been accomplished, and he pointed out that the Council had

subsequently been heavily engaged on several matters involving international peace and security, which had naturally been given precedence over procedural matters.⁸

The representative of Jordan noted that the 2480th meeting had been adjourned at 1.55 a.m. and asserted that the adjournment of the meeting had been in order.⁸

CASE 4

At the 2495th meeting (see case 3 above), the representative of Israel stated that the President for the month of October had acted improperly towards the Israeli delegation. He related that at the 2480th meeting, on 18 October 1983, the Israeli representative had made a statement in which he had congratulated the President upon his assumption of the presidency and had invited him to join in expressing the hope that their two countries would soon establish peace, good-neighbourliness and friendship. At the conclusion of that statement the President had responded as follows:

"The Council has heard the statement of the representative of Israel. I should like to point out the ill will and hypocrisy evident in that statement, especially as regards his country's alleged love of peace. I think it my duty as representative of Jordan to remind the Council that Israel, which arrogantly speaks of peace, has occupied Jerusalem, the West Bank, Gaza and the Golan Heights for more than 16 years, in addition to its occupation of southern Lebanon, its refusal to be inclined towards peace ever since it was established, its

dependence on military expansion and its attempt to impose its dominion and hegemony over the region at the expense of its indigenous peoples."⁹

The representative of Israel asserted that the customary respect shown to the President of the Council was predicated on reciprocity, and the President owed the same courtesy to representatives. He pointed out that the President had thanked the representatives of every country except Israel for the kind words they had addressed to him. The President, moreover, could not have made the statement he had just cited as the representative of Jordan, since he had not followed the long-established practice of waiting until the end of the debate to make a statement as the representative of his own country, nor had he, in accordance with the accepted procedure, indicated at the beginning of his statement that he was speaking as the representative of his own country and indicated at the end that he was resuming his function as President.⁸

Rule 20

CASE 5

At the 2495th meeting, on 11 November 1983, the representative of Israel, referring to the events at the Council's 2480th meeting, on 18 October 1983 (see cases 3 and 4 above), cited as an example of proper conduct the decision by the President of the Council for the month of January 1954, to remove himself from the presidency in accordance with rule 20 of the provisional rules of procedure, even though his country had not been a direct party to the dispute under consideration.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 Council.

Within the period under review, the Secretary-General was requested or authorized: (a) to assist the Government of Lebanon in establishing a joint phased programme of activities aimed at the total implementation of resolution 425 (1978);¹⁰ (b) to continue his mission of good offices in connection with the situation in Cyprus and to keep the Council informed;¹¹ (c) to provide the commission of inquiry established in connection with the complaint by Seychelles with the necessary assistance;¹² (d) to renew his efforts to reactivate the Lebanese-Israeli General Armistice Agreement and to convene an early meeting of the Israel-Lebanon Mixed Armistice Commission;¹³ (e) to continue his discussion with the Government of Lebanon and the parties concerned with a view to submitting a report on the requirements for achieving progress in a phased programme of activities;¹³ (f) to establish a fund for assistance to the peace-keeping force of the Organization of African Unity (OAU) in Chad, and to take the necessary measures to ensure the management of the fund in liaison with OAU;¹⁴ (g) to undertake, on the basis of

resolution 505 (1982), a renewed mission of good offices in connection with the question concerning the Falkland Islands (Islas Malvinas) and to enter into immediate contact with the parties with a view to negotiating mutually acceptable terms for a cease-fire;¹⁵ (h) to provide all necessary assistance to the *Ad Hoc* Committee established by resolution 507 (1982) in connection with the complaint by Seychelles, to provide all necessary assistance for the implementation of that resolution as a whole and especially for the implementation of paragraphs 8, 9, 10 and 12;¹⁶ (i) to undertake every effort to ensure the implementation of and compliance with resolutions 508 (1982) and 512 (1982);¹⁷ (j) to continue his efforts to alleviate the sufferings of the civilian population of southern Lebanon;¹⁸ (k) to submit a report in connection with the situation between Iran and Iraq on the arrangements required to send a team of United Nations observers to verify, confirm and supervise a cease-fire and withdrawal;¹⁹ (l) to transmit the text of resolution 515 (1982) to the Government of Israel;²⁰ (m) to deploy immediately, on the request of the Government of Lebanon, United Nations observers to monitor the situation in and around Beirut;²¹ (n) to increase the number of observers in and around Beirut²² and, in consultation with the Government of Lebanon, to ensure their rapid deployment;²³ (o) to initiate the appropriate consultations on additional steps the Council might take to assist the Govern-

ment of Lebanon in ensuring the full protection of the civilian population;²³ (p) to consult with the Government of Lebanon on ways and means of ensuring the full implementation of the mandate of the United Nations Interim Force in Lebanon (UNIFIL);²⁴ (q) to enter into immediate consultations with the Government of Lesotho and agencies of the United Nations to ensure the welfare of refugees in Lesotho;²⁵ (r) to continue his efforts in connection with the situation between Iran and Iraq, in consultation with the parties concerned, with a view to achieving a peaceful settlement;²⁶ (s) to conduct inquiries into the causes and effects of the reported cases of mass poisoning in the occupied West Bank;²⁷ (t) to undertake consultations in connection with the situation in Namibia with the parties to the proposed cease-fire with a view to securing the speedy implementation of resolution 435 (1978);²⁸ (u) to give the matter of assistance to Lesotho his continued attention;²⁹ (v) to continue his mediation efforts in connection with the situation between Iran and Iraq with a view to achieving a comprehensive, just and honourable settlement acceptable to both sides, to consult

with the parties concerning ways to sustain and verify the cessation of hostilities and to consult with the parties regarding the immediate and effective implementation of resolution 540 (1983);³⁰ (w) to follow the situation in northern Lebanon, to consult with the Government of Lebanon and to report to the Council;³¹ (x) to monitor the implementation of resolutions 545 (1983) and 546 (1984);³² (y) to continue consultations with the Government of Lebanon and other parties concerned on the implementation of resolutions 549 (1984) and 555 (1984);³³ and (z) to promote the urgent implementation of resolution 541 (1983), to undertake new efforts to attain an overall solution to the Cyprus problem and to promote the implementation of resolution 550 (1984).³⁴

In a number of instances, the Secretary-General was requested to follow the implementation of resolutions or to keep certain questions under review and to report to the Council.³⁵

During the period under review there were no special instances of the application of rules 21-26.

Part V

CONDUCT OF BUSINESS (RULES 27-36)

NOTE

Part V sets out the cases bearing on rules 27 to 36. Material relating to rule 28 can be found in chapter V, which deals with the subsidiary organs of the Council. Material relating to rules 37 to 39 is covered in chapter III, "Participation in the proceedings of the Security Council". During the period under review, there were no special instances of the application of rules 29, 34, 35 and 36.

As in the previous volumes of the *Repertoire*, the cases assembled here 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:

(a) Rule 27, on the order of intervention in the debate (case 6);

(b) Rule 30, on the extent to which the President rules on a point of order (cases 7-13). There were a number of instances in which representatives, having asked to be recognized on a point of order, made statements in which no ruling was required. Such instances have not been included in this study;

(c) Rule 31, on the requirements of written submission for proposed resolutions and amendments (cases 14-16);

(d) Rule 32, on the order of precedence of principal motions and draft resolutions (case 17);

(e) Rule 33, on the suspension and adjournment of meetings (cases 18 and 19).

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

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

Rule 27

CASE 6

At the 2564th meeting, on 13 December 1984, in connection with the question of South Africa, after the Council had adopted a draft resolution and heard statements by members of the Council, the President called upon the representative of South Africa, who had been invited to participate in the discussion without the right to vote. The representative of South Africa began his statement by placing on record the view that his delegation's request to participate in the debate had naturally presupposed that they would speak before the vote. He noted that he had informed the President of his objection before the meeting had been convened and stated that his delegation found the procedure adopted to be most irregular.³⁶

Rule 30

CASE 7

At the 2328th meeting, on 14 January 1982, in connection with the situation in the occupied Arab territories, the representative of Poland raised a point of order during the statement by the representative of Israel and requested that speakers not address issues that were external to the matter under discussion. The President stated that speakers should confine themselves to the item on the agenda, and the representative of Israel resumed his statement. A short time later the President interrupted the representative of Israel to request, again, that he address the item on the agenda. The representative of Israel responded that he believed he was entitled, in exercise of his right of reply, to point out to the

Council the qualifications of those who spoke about aggression in international relations and their contributions to international peace and security.³⁷

CASE 8

At the 2334th meeting, on 24 March 1982, in connection with the situation in the occupied Arab territories, the representative of Jordan requested as a point of order that the representative of Israel call the members of the Council by their proper names. At the request of the President, the representative of Israel resumed his statement, and he continued to refer to the "Palestinian Arab State of Jordan". The representative of Jordan insisted that it was out of order to address representatives by anything other than the official names of the countries they represented. The President stated that the Council should continue with the substance of the matter before it and expressed the personal view that members should be addressed by the proper names of the countries they represented. The representative of Israel stated that he fully concurred with the suggestion made by the President, and continued his statement.³⁸

CASE 9

At the 2355th meeting, on 16 April 1982, in connection with the situation in the occupied Arab territories, the representative of Israel requested as a point of order that the President instruct the representative of Jordan to refer to a State Member of the United Nations by the name under which it had been admitted to the Organization. The President asked the representative of Jordan to continue his statement, but the representative of Israel continued to interrupt on a point of order, until the President reminded the members of the Council that it was appropriate to call States by their proper names and asked the representative of Jordan to bear that in mind.³⁹

Following the statement by Jordan, the representative of Israel began a statement in exercise of his right of reply with a reference to the representative of the "Palestinian Arab State of Jordan". The President recalled that, in accordance with rule 30 of the Council's provisional rules of procedure, he had reminded the Council that it was the practice to refer to States by their official names and he asked the members of the Council and others participating in the debate to abide by that practice. The representative of Israel argued that the President had applied a double standard in allowing the Jordanian representative to refer to his country by other than its official designation. The President observed that he had reminded the representative of Jordan that Member States of the United Nations should be addressed by their official names, and he was now saying the same thing to the representative of Israel; if that presidential ruling was challenged he would invoke rule 30 and call for a vote by the Council. He called upon the representative of Israel to resume his statement. The representative of Israel noted that the representative of Jordan had not challenged the President's ruling, he had just ignored it, but agreed to refer to him as the representative of Jordan and continued his statement.⁴⁰

CASE 10

At the 2356th meeting, on 19 April 1982, in connection with the situation in the occupied Arab territories, the representative of Spain took the floor

on a point of order and inquired how many times the right of reply could be exercised. He expressed the view that the Council was hearing new statements rather than statements in exercise of the right of reply and suggested that those who wished to make statements could inscribe their names on the speakers' list and be heard at another meeting. However, it was for the President to rule as he saw fit. The President stated that there were no other names on the list of speakers and that the Council would continue hearing speakers who wished to exercise their right of reply.⁴¹

CASE 11

At the 2357th meeting, on 20 April 1982, in connection with the situation in the occupied Arab territories, the representative of Poland, speaking on a point of order, recalled that some two or three days earlier the President had made a ruling that representatives should be addressed using the proper names of their countries, and he requested that the President ask Israel to abide by that ruling. The President reiterated the appeal he had made to the members of the Council and invited the representative of Israel to continue his statement.⁴²

CASE 12

At the 2388th meeting, on 4 August 1982, in connection with the situation in the Middle East, the representative of Jordan raised a point of order and requested that the representative of Israel call the Hashemite Kingdom of Jordan by its name, without adjectives, because such use of adjectives was in violation of the Charter of the United Nations. The President stated that, as President, he had neither the desire nor the right to curtail the right of free speech in the Council; however, on his own behalf and on behalf of the members of the Council, he hoped that representatives would observe due courtesy and address all States by the names by which they were customarily known in United Nations practice. The representative of Israel, resuming his statement, expressed the hope that the President's views would be favourably echoed by those representatives who used all kinds of epithets and paraphrases in referring to his country.⁴³

Later in the same meeting, the representative of Lebanon, speaking on a point of order, reminded speakers that the item on the agenda was the situation in Lebanon. The President expressed certainty that the Lebanese representative's words had been duly noted.⁴⁴

CASE 13

At the 2390th meeting, on 6 August 1982, in connection with the situation in the Middle East, the representative of Poland, speaking on a point of order, requested that the President ask the representative of Israel to speak on the item on the agenda and stop insulting members of the Council. The President stated that he was sure that the Council wished to allow complete freedom of speech and at the same time wished its members to be shown proper respect. He noted the point of order made by the representative of Poland and asked the representative of Israel to continue. The representative of Israel, addressing the Polish representative by name, accused him of deliberately seeking to interrupt the flow of his argument. The representative of Poland again raised a point of order and asked the President to remind the representative of Israel not to speak to

anyone directly and to call him to order if he made personal references.

The President asked that speakers address their remarks through him, in accordance with the normal practice. The representative of Israel resumed his statement and was once again interrupted on a point of order, this time by the representative of the Soviet Union, who sought the President's opinion as to whether or not the representative of Israel was addressing the item on the agenda. The President stressed that it was the tradition and practice of the Council to allow speakers complete freedom of speech but at the same time he reminded speakers of the item on the agenda and asked them to respect the norms of the Council and continue the debate as far as possible on the agenda item. The President noted that that was his opinion and pointed out that he had not been asked for a ruling on a point of order, but he hoped that the members of the Council would support him in the views he had expressed. The representative of Poland raised a point of order and cited Article 31 of the Charter as obliging representatives to speak only on the question before the Council, which was not incompatible with freedom of speech since anything could be said with regard to the item on the agenda. The President called on the representative of Israel, who continued his statement.⁴⁵

Rule 31

CASE 14

At the 2350th meeting, on 3 April 1982, during the Council's consideration of the letter dated 1 April 1982 from the representative of the United Kingdom, the representative of the United Kingdom referred to a draft resolution⁴⁶ which his delegation had circulated the day before and reported that, while his delegation had wanted the draft resolution voted upon yesterday, it had responded to a suggestion by the Minister for Foreign Affairs of Panama and had asked the Secretariat to prepare a revised version of the draft resolution.⁴⁷ Upon hearing that the Minister for Foreign Affairs of Argentina was on his way to address the Council, and since he had not given delegations the conventional 24 hours before asking them to vote on a draft resolution, he had willingly acceded to the President's request that the vote be postponed to that day, but he asked that once the revised draft had been circulated the Council should hold an immediate vote. He suggested that once the Council had completed its business with regard to his draft resolution it could consider the draft resolution⁴⁸ submitted by Panama and, if the Council so desired, he for one would be willing to waive the 24-hour rule and vote on it the same day.

The Minister for Foreign Affairs of Panama asked that the Council heed what the representative of the United Kingdom had said because the Council could not proceed to a vote in accordance with rule 31 of the provisional rules of procedure until the draft resolution had been distributed in writing in its final form. The representative of the United Kingdom expressed the view that, in theory, he could ask that the addition to the draft resolution be regarded as an oral amendment. However, he would wait until the revised version had been distributed and he would not object to a suspension of the meeting until that procedure had been completed. In the absence of any objection, the President suspended the meeting.

When the meeting resumed the Council proceeded to the vote.⁴⁹

CASE 15

At the 2371st meeting, on 2 June 1982, in connection with the question concerning the Falkland Islands (Islas Malvinas), the representative of Spain read out the text of a draft resolution⁵⁰ sponsored by his delegation and that of Panama, which had not yet been distributed to the members of the Council, in order that it might be put to the vote that same day. The representative of Panama confirmed that his delegation had submitted the draft resolution in the hope that it would be voted upon that afternoon.⁵¹

Later in the meeting, the President recalled that the representatives of Spain and Panama had expressed the wish that the draft resolution be voted upon as soon as possible. He stated that, prior to the meeting, several members of the Council had informed him that they would prefer to vote on the draft resolution on the following day in order to be allowed some time, but not more than 24 hours, for reflection. He suggested that the vote on the draft resolution be postponed to a later meeting, the time of which would be decided in consultations. The representative of Spain acknowledged that it was usual to have a 24-hour interval before a draft resolution was put to a vote, but he questioned the need for such a time span now that the draft resolution had been distributed. The representative of Panama noted that the views to which the President had referred had been expressed before the text of the draft resolution had been distributed. He understood that many countries thought they should see the text before voting upon it, but since the text had now been distributed and since it would not be the first time that a draft resolution had been voted upon on the day of its submission, in view of the urgent nature of the draft resolution he urged that the Council consider voting that day, unless the President decided otherwise.

The President asked for the views of the Council. The representative of Japan stated that he would have to seek instructions from his Government, and since both his Prime Minister and his Minister for Foreign Affairs were in flight towards Paris at that moment, he requested that the voting take place the following day, though not necessarily a full 24 hours later. The representative of Panama stated that, as a gesture of co-operation with the delegation of Japan, he would not insist on a vote that day. He formally proposed that the next meeting of the Council take place at 11 a.m. the following day, on the understanding that the Council would be meeting in order to vote. In the absence of any objection, it was so decided.⁵²

CASE 16

At the 2385th meeting, on 29 July 1982, in connection with the situation in the Middle East, the representative of Spain orally introduced a draft resolution⁵³ for which he requested priority voting (see also case 17 below). Following a brief suspension of the meeting, the President noted that the members of the Council had before them the text of the draft resolution which had been orally introduced by the representative of Spain and which was now available in the working languages of the Council. He further noted that the representative of the United States had formally requested a suspension of the meeting in order to allow for consultations on the draft

resolution, and proposed to suspend the meeting if there was no objection. The representative of Panama stated that his delegation was opposed to a suspension of the meeting and a delay in the voting, and the President therefore proposed to put the question to a vote. The representative of the United States, on a point of order, clarified that the United States proposal was to suspend the meeting for two hours to allow for consultations with Governments. The President stated that it had been his understanding that the proposal was for a suspension to go into informal consultations, during which delegations could also consult with Governments, not for a suspension of two hours. The representative of Jordan expressed his delegation's opposition to the proposed suspension and requested that the Council immediately vote on the Spanish draft resolution. The President, noting that the representative of the United States had proposed a two-hour suspension of the meeting which was opposed by the representatives of Panama and Jordan, put the proposal to the vote. It was not adopted, having failed to receive the required majority. The Council then voted on the draft resolution submitted by Spain.

Following the vote, the representative of the United States stated that her delegation had not found it possible to participate in the vote on the draft resolution. She strongly objected to the procedure which had been employed and suggested that it would be impossible for the Council to function if members were not to be provided with an opportunity to consult with their Governments.⁵⁴

Rule 32

CASE 17

At the 2385th meeting, on 29 July 1982, in connection with the situation in the Middle East, the Council had before it a draft resolution⁵⁵ sponsored by Egypt and France. In the course of the meeting the representative of Spain orally presented a draft resolution⁵⁶ submitted by his Government that was concerned with urgent humanitarian matters and was not meant to interfere with the draft resolution presented by Egypt and France. He noted that the representatives of Egypt and France had stated earlier that their draft resolution was not so urgent as to require priority voting, and requested that the draft resolution submitted by his Government be put to the vote as a matter of priority. The President stated that the Secretariat would proceed immediately with the reproduction of the Spanish draft resolution in all the official languages and that it would be distributed as soon as possible thereafter.⁵⁷ The representative of France, speaking on behalf of himself and the representative of Egypt, indicated that they were in agreement that the draft resolution submitted by Spain should be given priority and voted upon as quickly as possible.⁵⁸

Following a brief suspension of the meeting, the President drew attention to the distributed text of the Spanish draft resolution. The Council, having rejected a proposal by the representative of the United States that the meeting be suspended to allow for consultations with Governments (see case 16 above), proceeded to vote on the draft resolution submitted by Spain.⁵⁹

Rule 33

CASE 18

At the 2350th meeting, on 3 April 1982, during the Council's consideration of the letter dated 1 April 1982 from the representative of the United Kingdom, the Minister for Foreign Affairs of Panama orally presented a draft resolution⁶⁰ submitted by his Government and requested that the meeting be suspended so that the Secretariat could translate and distribute the draft resolution.

The representative of the United Kingdom reminded the President that he had asked to be the last speaker in the debate and requested that the Council accord him that privilege before considering the proposal made by the Minister of Foreign Affairs of Panama. The representative of the Soviet Union cited rule 33 of the Council's provisional rules of procedure, which provides that any motion for the suspension of the meeting be decided without debate. The President stated that a number of names remained on the list of speakers, but since a motion to suspend the meeting had priority, in accordance with rule 33, he proposed to put the motion to the vote.

The representative of Ireland, on a point of order, asked for clarification as to whether the Council would be voting on a suspension of the meeting and whether it would be for a definite time period or for the purpose of preparing a draft resolution; if the latter was the case, the meeting would be resumed once the draft had been completed, at which time the Council could hear the rest of the speakers. The President stated that, as he understood it, the Minister for Foreign Affairs of Panama had proposed a suspension of the meeting for purely practical reasons and confirmed that the Council could continue the debate later, should it decide upon a suspension of the meeting. He again proposed to put the motion to a vote.

The representative of Spain asked how much time the Secretariat would need to translate the draft resolution and suggested a two-hour suspension of the meeting. The President acknowledged that the Secretariat might need two hours and, recalling that the provisional rules of procedure required that a motion for the suspension of the meeting be decided immediately, he put the motion to the vote. The motion failed of adoption, and the Council continued the debate.⁶¹

CASE 19

At the 2372nd meeting, on 3 June 1982, in connection with the question concerning the Falkland Islands (Islas Malvinas), the representative of Panama orally proposed an amendment to a draft resolution⁶² jointly sponsored by his delegation and that of Spain. The representative of the United Kingdom stated that his delegation would need time to consider the amended text. The representative of Spain declared that the sponsors of the draft resolution, while reluctant to accept further delay in the voting, had decided to request under rule 33 a two-hour suspension of the meeting. The President asked if there was any objection to the proposal of the representative of Spain and the representative of Jordan began to make a statement, but was interrupted by the representative of Spain on a point of order. The representative of Spain recalled that under rule 33, paragraph 1, a motion for the suspension or simple adjournment of the meeting was to be decided

without debate, and therefore asked that no debate be held on the question. The President pointed out that he had merely asked if there was any objection to the proposal, and he called upon the representative of Jordan to continue his statement.

The representative of Jordan stated that he did not propose to debate the question and was simply requesting that the meeting be suspended for an additional one and a half hours, until 5 p.m., to enable delegations to communicate with their Governments. The President asked if there was any objection to the request by Jordan. The representative of Spain argued that the fact that his proposal had now been amended indicated that it was being debated, contrary to rule 33. He stated that he agreed that the proposal by the representative of Jordan should be put to a vote. The representative of Ireland, on a point of order, expressed the view that if what the representative of Spain had proposed was a simple suspension of the meeting under rule 33, paragraph 1, it should indeed be decided without debate; however, since it fixed a certain day or hour, it seemed to come under rule 33, paragraph 3, which was not decided without debate. The representative of Spain stressed that he had not asked for an adjournment; he had clearly asked for a suspension of the meeting, as provided for in paragraph 1 of rule

33. He stated that the Council was debating something which under the rules of procedure could not be debated and reiterated his request that the meeting be suspended for two hours. The President again asked if there was any objection to the proposal by the representative of Spain.

The representative of the United States stated that it would probably be impossible for her delegation to vote by 3.30 p.m. and appealed to the Council to authorize a longer suspension. The representative of Spain reminded the Council that the only reason the draft resolution had not immediately been put to the vote was because his delegation had accepted that rule 31 required that proposed resolutions and amendments be placed before the representatives in writing (see case 15 above), and he insisted that they would not now accept an interpretation of rule 33 which would allow the present debate. The President again began to put the Spanish proposal to a vote, but the representative of Spain asked that the Council vote instead on the proposal by the representative of Jordan to suspend the meeting until 5 p.m. The President put Jordan's proposal to the vote and it was not adopted, having failed to obtain the required majority. The President stated that, in those circumstances, the meeting was suspended until 3.30 p.m.⁶³

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 V, "Voting".

In addition to the case history presented below (case 20), there was one occasion during the period under review when the Iranian delegation, in a statement enclosed in a note verbale⁶⁴ dated 5 October 1982, addressed to the Secretary-General, cited Article 27, paragraph 3 of the Charter as having required the representatives of Jordan and Egypt to abstain in the voting at the Council's 2399th meeting, on 4 October 1982, in connection with the situation between Iran and Iraq, because both countries were militarily involved in the conflict.

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

Rule 40

CASE 20

At its 2350th meeting, on 3 April 1982, in the course of its consideration of the letter dated 1 April 1982 from the representative of the United King-

dom, the Council was ready to commence the voting procedure on a revised draft resolution⁶⁵ sponsored by the United Kingdom when the Minister for Foreign Affairs of Panama raised a point of order. He recalled that under Article 27, paragraph 3, of the Charter a party to a dispute shall abstain from voting on decisions under Chapter VI of the Charter, and he asked the President to rule on whether the draft resolution fell under Chapter VI or Chapter VII, in order that it might be clear whether the representative of the United Kingdom could or could not participate in the vote.

The representative of the United Kingdom stated that the draft resolution submitted by his Government related to a breach of the peace and had been proposed with Article 40 in mind; therefore the United Kingdom would vote, in accordance with the Charter and the consistent practice of the Council. The President invited the members of the Council to decide whether or not the situation before the Council fell under Chapter VI. The representative of Spain expressed the view that the explanation offered by the representative of the United Kingdom had been sufficient for the Council to decide that the matter fell under Chapter VII, and that the United Kingdom therefore had the right to vote. The President stated that if the Council felt the explanation offered by the United Kingdom had sufficiently answered the request by Panama, and if there were no further comments, the Council would go on to the voting procedure. In the absence of any objections it was so decided.⁶⁶

Part VII

LANGUAGES (RULES 41-47)

NOTE

During the period under review, the Council amended rules 41 and 42 of its provisional rules of procedure to include Arabic among the working languages of the Council (case 21).

During this period the practice of waiving the right to consecutive interpretation of their statements was consistently followed by Members of the Council.

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

Rules 41 and 42

CASE 21

By a letter⁶⁷ dated 17 December 1982 the representative of Jordan drew the Council's attention to

General Assembly resolution 35/219, in which the Assembly, *inter alia*, stated that Arabic should be accorded the same status as the other official and working languages of the Council, and asked the Council to include the item in its agenda.

At its 2410th meeting, on 21 December 1982, the Council considered the inclusion of Arabic among the official and working languages of the Council. The President drew the Council's attention to a draft resolution⁶⁸ submitted by Jordan and, in the absence of any objection, declared the draft resolution adopted by consensus as resolution 528 (1982). Resolution 528 (1982) included an amendment of rules 41 and 42 of the provisional rules of procedure.

**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. Mimeographed copies of the record incorporate a note 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.⁶⁹ At the close of each meeting, it issued a communiqué through the Secretary-General, in accordance with rule 55 of the provisional rules of procedure. There were no special instances of the application of rules 48-57 during the time period covered by the present *Supplement*.

**Part IX

**APPENDIX TO THE PROVISIONAL RULES OF PROCEDURE

NOTES

¹ 2491st mtg.

² S/16100, *OR*, 38th yr., *Suppl. for Oct.-Dec. 1983*.

³ S/15448, *ibid.*, 37th yr., *Suppl. for Oct.-Dec. 1982*.

⁴ For the texts of such statements, see S/14361, S/14414, S/14485, S/14572, S/14599, S/14764 and S/14794, *OR*, 36th yr., *Resolutions and Decisions of the Security Council, 1981*; S/14944, S/14995, S/15020, S/15047, S/15124, S/15163, S/15296, S/15342, S/15444, S/15469 and S/15504, *ibid.*, 37th yr., *Resolutions and Decisions of the Security Council, 1982*; S/15616, S/15680, S/15688, S/15797, S/15971, S/16142, S/16188 (incorporated in the record of the 2502nd meeting); S/16195, *ibid.*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*; S/16293, S/16454, S/16628, S/16760, S/16832 and S/16847, *ibid.*, 39th yr., *Resolutions and Decisions of the Security Council, 1984*.

⁵ For the texts of such draft resolutions, see S/14484, adopted without change as resolution 485 (1981); S/14500, adopted without change as resolution 486 (1981); S/14556, adopted

without change as resolution 487 (1981); S/14557, adopted without change as resolution 488 (1981); S/14761, adopted without change as resolution 493 (1981); S/14790, adopted without change as resolution 495 (1981); S/14793, adopted without change as resolution 496 (1981); S/14798, adopted without change as resolution 497 (1981); S/14803, adopted without change as resolution 498 (1981); S/14809, adopted without change as resolution 499 (1981); S/14890, adopted without change as resolution 501 (1982); S/15013, adopted without change as resolution 504 (1982); S/15118, adopted without change as resolution 506 (1982); S/15216, adopted without change as resolution 510 (1982); S/15235, adopted without change as resolution 511 (1982); S/15273, adopted without change as resolution 513 (1982); S/15285, adopted without change as resolution 514 (1982); S/15330, adopted without change as resolution 516 (1982); S/15367, adopted without change as resolution 519 (1982); S/15402, adopted

without change as resolution 521 (1982); S/15446, adopted without change as resolution 522 (1982); S/15458, adopted without change as resolution 523 (1982); S/15503, adopted without change as resolution 524 (1982); S/15523, adopted without change as resolution 526 (1982); S/15524, adopted without change as resolution 527 (1982); S/15793, adopted without change as resolution 531 (1982); S/15803, adopted without change as resolution 532 (1982); S/15815, adopted without change as resolution 533 (1982); S/15828, adopted without change as resolution 534 (1982); S/15846, adopted without change as resolution 535 (1983); S/15871, adopted without change as resolution 536 (1983); S/16046, adopted without change as resolution 538 (1983); S/16179, adopted without change as resolution 542 (1983); S/16187, adopted without change as resolution 543 (1983); S/16217, adopted without change as resolution 544 (1983); S/16275, adopted without change as resolution 547 (1984); S/16491, adopted without change as resolution 549 (1984); S/16592, adopted without change as resolution 551 (1984); S/16779, adopted without change as resolution 555 (1984); S/16845, adopted without change as resolution 557 (1984); and S/16862, adopted without change as resolution 559 (1984).

⁶ For the texts of such notes or letters, see S/14850, *OR*, 37th yr., *Suppl. for Jan.-March 1982*; S/14900, *ibid.*; S/15138, *ibid.*, *Suppl. for April-June 1982*; S/15296, *ibid.*, *Suppl. for July-Sept. 1982*; S/15473, *ibid.*, *Suppl. for Oct.-Dec. 1982*; S/16593, *ibid.*, 39th yr., *Resolutions and Decisions of the Security Council, 1984*.

⁷ S/16696, *OR*, 39th yr., *Resolutions and Decisions of the Security Council, 1984*.

⁸ 2495th mtg.

⁹ 2480th mtg.

¹⁰ Resolutions 488 (1981) of 19 June 1981 and 498 (1981) of 18 December 1981.

¹¹ Resolutions 495 (1981) of 14 December 1981, 510 (1982) of 15 June 1982, 526 (1982) of 14 December 1982, 534 (1983) of 15 June 1983, 541 (1983) of 18 November 1983, 544 (1983) of 15 December 1983, 553 (1984) of 15 June 1984 and 559 (1984) of 14 December 1984.

¹² Resolution 496 (1981) of 15 December 1981.

¹³ Resolution 501 (1982) of 25 February 1982.

¹⁴ Resolution 504 (1982) of 30 April 1982.

¹⁵ Resolution 505 (1982) of 26 May 1982.

¹⁶ Resolution 507 (1982) of 28 May 1982.

¹⁷ Resolutions 508 (1982) of 25 June 1982 and 512 (1982) of 19 June 1982.

¹⁸ Resolution 513 (1982) of 4 July 1982.

¹⁹ Resolution 514 (1982) of 12 July 1982.

²⁰ Resolution 515 (1982) of 29 July 1982.

²¹ Resolution 516 (1982) of 1 August 1982.

²² Resolutions 517 (1982) of 4 August 1982 and 521 (1982) of 19 September 1982.

²³ Resolution 521 (1982) of 19 September 1982.

²⁴ Resolution 523 (1982) of 18 October 1982.

²⁵ Resolution 527 (1982) of 15 December 1982.

²⁶ Presidential statement of 21 February 1983, S/15616, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*.

²⁷ Presidential statement of 4 April 1983, S/15680, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*.

²⁸ Resolution 532 (1983) of 31 May 1983.

²⁹ Resolution 535 (1983) of 29 June 1983.

³⁰ Resolution 540 (1983) of 31 October 1983 and presidential statement of 30 March 1984, S/16454, *OR*, 39th yr., *Resolutions and Decisions of the Security Council, 1984*.

³¹ Resolution 542 (1983) of 23 November 1983.

³² Resolutions 545 (1983) of 21 December 1983 and 546 (1984) of 6 January 1984.

³³ Resolutions 549 (1984) of 19 April 1984 and 555 (1984) of 12 October 1984.

³⁴ Resolution 550 (1984) of 11 May 1984.

³⁵ In connection with the situation in the Middle East, resolutions 485 (1981) of 22 May 1981, 488 (1981) of 19 June 1981, 490 (1981) of 21 July 1981, 493 (1981) of 23 November 1981, 497 (1981) of 17 December 1981, 498 (1981) of 18 December 1981, 501 (1982) of 25 February 1982, 506 (1982) of 26 May 1982, 508 (1982) of 5 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of

19 June 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 520 (1982) of 17 September 1982, 521 (1982) of 19 September 1982, 523 (1982) of 18 October 1982, 524 (1982) of 29 November 1982, and 529 (1983) of 18 January 1983, presidential statement of 4 April 1983, S/15680, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*, resolutions 531 (1983) of 26 May 1983, 536 (1983) of 18 July 1983, 538 (1983) of 18 October 1983, 542 (1983) of 23 November 1983, 543 (1983) of 29 November 1983, 549 (1984) of 19 April 1984, 551 (1984) of 30 May 1984, 555 (1984) of 12 October 1984 and 557 (1984) of 28 November 1984; in connection with the complaint by Iraq, resolution 487 (1981) of 19 June 1981; in connection with the situation in Cyprus, resolutions 486 (1981) of 4 June 1981, 495 (1981) of 14 December 1981, 510 (1982) of 15 June 1982, 526 (1982) of 14 December 1982, 534 (1983) of 15 June 1983, 541 (1983) of 18 November 1983, 544 (1983) of 15 December 1983, 550 (1984) of 11 May 1984, 553 (1984) of 14 June 1984 and 559 (1984) of 14 December 1984; in connection with the question concerning the Falkland Islands (Islas Malvinas), resolution 505 (1982) of 26 May 1982; in connection with the situation between Iran and Iraq, resolutions 514 (1982) of 12 July 1982, and 522 (1982) of 4 October 1982, presidential statement of 21 February 1983, S/15616, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*, and resolution 540 (1983) of 31 October 1983; in connection with the complaint by Lesotho against South Africa, resolutions 527 (1982) of 15 December 1982 and 535 (1983) of 29 June 1983; in connection with the letter dated 5 May 1983 from the representative of Nicaragua, resolution 530 (1983) of 19 May 1983; in connection with the situation in Namibia, resolutions 532 (1983) of 31 May 1983 and 539 (1983) of 28 October 1983; in connection with the complaint by Angola against South Africa, resolutions 545 (1983) of 20 December 1983 and 546 (1984) of 6 January 1984; in connection with the letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, resolution 552 (1984) of 1 June 1984; and in connection with the question of South Africa, resolutions 554 (1984) of 17 August 1984, 556 (1984) of 23 October 1984 and 558 (1984) of 13 December 1984 (in which the Secretary-General was requested to report to the Security Council Committee established by resolution 421 (1977)).

³⁶ 2564th mtg.

³⁷ 2328th mtg., paras. 114-126.

³⁸ 2334th mtg., paras. 123-141.

³⁹ 2355th mtg., paras. 50-62.

⁴⁰ *Ibid.*, paras. 85-88.

⁴¹ 2356th mtg., paras. 117 and 118.

⁴² 2357th mtg., paras. 51 and 52.

⁴³ 2388th mtg., paras. 127-132.

⁴⁴ *Ibid.*, paras. 167 and 168.

⁴⁵ 2390th mtg., paras. 46-59.

⁴⁶ S/14947, *OR*, 37th yr., *Suppl. for April-June 1982*.

⁴⁷ S/14947/Rev. 1, adopted without change as resolution 502 (1982).

⁴⁸ S/14950, *OR*, 37th yr., *Suppl. for April-June 1982*.

⁴⁹ 2350th mtg., paras. 177-187.

⁵⁰ S/15156, *OR*, 37th yr., *Suppl. for April-June 1982*.

⁵¹ 2371st mtg., paras. 15-28.

⁵² *Ibid.*, paras. 139-159.

⁵³ S/15325, adopted without change as resolution 515 (1982).

⁵⁴ 2385th mtg., paras. 111-125.

⁵⁵ S/15317, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

⁵⁶ S/15325, adopted without change as resolution 515 (1982).

⁵⁷ 2385th mtg., paras. 67-73.

⁵⁸ *Ibid.*, para. 83.

⁵⁹ *Ibid.*, paras. 111-123.

⁶⁰ S/14950, *OR*, 37th yr., *Suppl. for April-June 1982*.

⁶¹ 2350th mtg., paras. 136-145.

⁶² S/15156/Rev. 1, *OR*, 37th yr., *Suppl. for April-June 1982*.

⁶³ 2372nd mtg., paras. 3-31.

⁶⁴ S/15448, *OR*, 37th yr., *Suppl. for Oct.-Dec. 1982*.

⁶⁵ S/14947/Rev. 1, adopted without change as resolution 502 (1982).

⁶⁶ 2350th mtg., paras. 189-202.

⁶⁷ S/15532, *OR*, 37th yr., *Suppl. for Oct.-Dec. 1982*.

* S/15531, adopted without change as resolution 528 (1982).		2310th	17 November 1981	Recommendation regarding the appointment of the Secretary-General of the United Nations
⁶⁹ The eight meetings were the following:				
2303rd	27 October 1981			Recommendation regarding the appointment of the Secretary-General of the United Nations
2304th	28 October 1981			Recommendation regarding the appointment of the Secretary-General of the United Nations
2305th	4 November 1981			Recommendation regarding the appointment of the Secretary-General of the United Nations
2308th	10 November 1981			Consideration of the draft report of the Security Council to the General Assembly
		2312th	11 December 1981	Recommendation regarding the appointment of the Secretary-General of the United Nations
		2402nd	24 November 1982	Consideration of the draft report of the Security Council to the General Assembly
		2494th	11 November 1983	Consideration of the draft report of the Security Council to the General Assembly