
Chapter I

Provisional rules of procedure of the Security Council

Contents

	<i>Page</i>
Introductory note	3
Part I. Meetings (rules 1-5).....	4
Note	4
Special cases concerning the application of rules 1-5	4
Part II. Representation and credentials (rules 13-17).....	10
Note	10
Special cases concerning the application of rules 13-17	10
Part III. Presidency (rules 18-20).....	11
Note	11
Special cases concerning the application of rules 18-20	13
Part IV. Secretariat (rules 21-26)	14
Note	14
Part V. Conduct of business (rules 27-36).....	14
Note	14
Special cases concerning the application of rules 27-36	15
Part VI. Languages (rules 41-47).....	18
Part VII. Publicity of meetings, records (rules 48-57).....	18
Note	18
Special cases concerning the application of rules 48-57	19

Introductory note

The present chapter contains material bearing upon the practice of the Security Council in relation to the provisional rules of procedure of the Security Council arranged as follows: part I, Meetings (rules 1-5); part II, Representation and credentials (rules 13-17); part III, Presidency (rules 18-20); part IV, Secretariat (rules 21-26); part V, Conduct of business (rules 27-36); part VI, Languages (rules 41-47); part VII, Publicity of meetings, records (rules 48-57).

The practice of the Council in relation to some of the provisional rules of procedure are more appropriately dealt with in other chapters of this *Supplement*, as follows: rules 6 to 12, in chapter II (Agenda); rule 28, in chapter V (Subsidiary organs of the Security Council); rules 37 and 39, in chapter III (Participation in the proceedings of the Security Council); rule 40, in chapter IV (Voting); rules 58 to 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).

As in previous *Supplements*, the major headings under which the material is entered in this chapter follow the successive chapters of the provisional rules of procedure of the Security Council, with the exceptions noted above.

The material in this chapter relates to 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 do not constitute cumulative evidence of the practice of the Council, but are indicative of special problems or issues that have arisen in the proceedings of the Council under its provisional rules of procedure.

During the period under review, the Council did not consider the adoption or amendment of its provisional rules of procedure.

Part I Meetings (rules 1-5)

Note

The material assembled in this section reflects the provisions of Article 28 of the Charter of the United Nations, and indicates special instances of the interpretation or application of rules 1 to 5 on the convening and place of Security Council meetings. During the period under review, there were cases falling under rules 1 to 3 (cases 1 to 5), rule 4 (case 6) and rule 5 (case 7).

In four instances, dealt with under rules 1 to 3, complaints were made about delays in convening meetings.

The meeting of the Security Council held at the level of Heads of State and Government, on 31 January 1992, has been included under rule 4, although it was not convened explicitly under that rule or Article 28 (2) of the Charter.¹

During the period under review, the Security Council met away from Headquarters on one occasion (case 7). A communication was also received that called for a meeting of the Council to be held away from Headquarters.²

The members of the Council continued to meet frequently in the format of informal consultations of the whole.

Special cases concerning the application of rules 1-5

Rule 1

Meetings of the Security Council shall, with the exception of the periodic meetings referred to in rule 4, be held at the call of the President at any time he deems necessary, but the interval between meetings shall not exceed fourteen days.

Rule 2

The President shall call a meeting of the Security Council at the request of any member of the Security Council.

Rule 3

The President shall call a meeting of the Security Council if a dispute or situation is brought to the attention of the Security Council under Article 35 or under Article 11 (3) of the Charter, or if the General Assembly makes recommendations or refers any question to the Security Council under Article 11 (2), or if the Secretary-General brings to the attention of the Security Council any matter under Article 99.

Case 1

By a letter dated 20 November 1990 addressed to the President of the Security Council,³ the representatives of Colombia, Cuba, Malaysia and Yemen requested a meeting on Wednesday, 21 November 1990, to put to the vote a draft resolution they had sponsored in connection with the situation in the occupied Arab territories.⁴

At the 2959th meeting, on 27 November 1990, the representative of Cuba, speaking on a point of order prior to the adoption of the agenda, said that it was exactly one week since four members of the Council had formally requested the convening of a meeting to consider the draft resolution. Their request, which was fully in accordance with the provisional rules of procedure of the Security Council, had

¹ In a statement made at the 1544th meeting, on 12 June 1970, the President announced the Council's decision to hold a periodic meeting, in accordance with Article 28 (2), and outlined broadly the nature and purposes of periodic meetings. The first periodic meeting of the Council (the 1555th meeting) was held in private on 21 October 1970. For details, see *Supplement 1969-1971*, under the same heading.

² Letter dated 15 August 1990 from the representative of the Libyan Arab Jamahiriya addressed to the Secretary-General, transmitting a letter from the leader of the Libyan Arab Jamahiriya (S/21529, annex).

³ S/21952.

⁴ S/21933.

received no response, and the Council had not yet been able to meet to consider the draft resolution.⁵

The President (United States of America) proposed that informal consultations be held immediately after the meeting to consider the matter raised by the representative of Cuba. He noted that the revised draft resolution had just been circulated and that, in the tradition of the Security Council, delegations were extended a courtesy period to consider such drafts.

The representative of Cuba wondered whether an informal meeting was needed in order to consider the official request of the four delegations that the draft resolution, already in the possession of the members of the Council, be considered. Noting that there had been three weeks of consultations on the draft resolution, the representative of Yemen, one of its co-sponsors, officially moved that the Council meet at 3 o'clock that afternoon to consider the issue and the draft resolution. The representative of Malaysia believed that there was a definite majority in the Council in favour of considering now in a formal way the item mentioned by Cuba and Yemen, and of taking a vote on it. He therefore appealed to the President to take immediate steps to act accordingly.

The representative of the United Kingdom of Great Britain and Northern Ireland suggested that the President, who had expressed his willingness to schedule informal consultations, should propose a time for those consultations. His delegation had a number of observations that it would wish to make on the text that had just been circulated. He therefore thought that the Council should follow the normal practice where texts were concerned, and have informal consultations. The representative of Finland voiced his delegation's support for the idea of having informal consultations that day, as early as possible, in order to see where members stood on the matter.

The President repeated his invitation to the Council to meet in informal consultations immediately following the present meeting. He hoped that through that process the Council would be able to reach an early decision on what it would be doing next in regard to that item.

The representative of Cuba accepted the President's proposal on the understanding that, as a

⁵ S/PV.2959, p. 3.

result of the informal consultations, the Council would be able to take action on the draft resolution.⁶

At the 2963rd meeting, on 29 November 1990, the representative of Cuba, referring to the request for a meeting of the Council in connection with the same draft resolution, stated that the President had ignored that request, "bypassing the established rules and procedures".⁷ At the same meeting, the representative of Malaysia expressed his deep disappointment with the Council over its inability for more than three weeks to address properly the question of Palestinians in the occupied territories. All attempts to bring about a proper consideration of the matter, including a vote, had been deliberately thwarted, raising questions on the procedure and conduct of the Council.⁸

At the 2966th meeting, held on 8 December 1990, in connection with the occupied Arab territories, the representative of Colombia, opposing the proposal to adjourn the meeting,⁹ recalled that more than 15 days had passed since a request had been made for a Security Council meeting to consider formally the above-mentioned draft resolution.¹⁰

Case 2

By a letter dated 23 January 1991, addressed to the President of the Security Council,¹¹ the representatives of Algeria, the Libyan Arab Jamahiriya, Mauritania, Morocco and Tunisia requested that the President convene "an urgent meeting of the Security Council to consider the grave situation in the Gulf region". By a letter dated 23 January 1991, addressed to the President of the Security Council,¹² the representative of the Sudan stated that his country supported the request made by the States members of the Arab Maghreb Union. By a letter dated 24 January 1991, addressed to the President of the Security Council,¹³ the representative of Yemen requested "an immediate meeting of the Security Council to examine the grave situation in the Gulf region". By a letter

⁶ Ibid., pp. 3-6, 10 (President); pp. 6, 11 (Cuba); p. 7 (Yemen); p. 8 (Malaysia); pp. 8-9 (United Kingdom); and p. 9 (Finland).

⁷ S/PV.2963, p. 56.

⁸ Ibid., p.77.

⁹ See case 14.

¹⁰ S/PV.2966, p. 11.

¹¹ S/22135.

¹² S/22138.

¹³ S/22144.

dated 25 January 1991, addressed to the President of the Security Council,¹⁴ the representative of Jordan stated that his country supported the request made by Yemen and the States members of the Arab Maghreb Union for the convening of an immediate meeting of the Security Council. By a letter dated 28 January 1991, addressed to the President of the Security Council,¹⁵ the representative of Cuba requested that the President “call a formal meeting of the Security Council as soon as possible”. He concluded his letter by saying that he would be grateful if the President “would immediately call a formal meeting of the Security Council”.

At the outset of the 2976th meeting, held on 31 January in connection with the situation between Iran and Iraq, the representative of Cuba said that his delegation was unable to vote in favour of the provisional agenda listing that item without voicing its deep dissatisfaction that the Council had failed to consider a serious problem that was of concern to the entire world. Despite the fact that for more than one week a group of “Council members”¹⁶ had been asking for a meeting on an urgent basis and despite the fact that two members of the Council had requested that the Council meet to consider the war situation in the Gulf region, thus far the Council had not done so, “notwithstanding the clear and categorical provisions set forth in the Council’s provisional rules of procedure”.¹⁷

Speaking after the adoption of the agenda, the representative of Yemen stated that it was regrettable that the Security Council had, to date, been unable to accede to his request to convene a meeting under rule 2 of the provisional rules of procedure. He said that it was “the first time in the history of the Security Council” that a request of this kind had not been accepted.¹⁸ The representative of Cuba considered it ironic that, while the Council was considering the end of the conflict that had so long divided Iran and Iraq, it had not yet been able to meet, as required by its provisional rules of procedure, to fulfil its responsibilities in the case of the Gulf conflict. He

stated that “the members of the Council must not be deprived of the right under the Charter to be heard. Above all, the Council must not be placed in a situation in which it could be found to be ignoring the norms governing its activities”.¹⁹

At the close of the meeting, the President (Zaire) responded to the representative of Yemen as follows: “[A]ll members of the Council are aware that rule 2 of the provisional rules of procedure was duly applied by the President. He has thus received a mandate from all members of the Council to conduct consultations. It is clearly understood that the members of the Council are unanimous in supporting the principle of convening a formal meeting of the Council. The President has therefore received a mandate to convene [consultations] to agree on the date of that meeting.” He concluded by saying that the President for February would continue the consultations and prepare for the formal meeting.²⁰

In a letter dated 31 January 1991, addressed to the President of the Security Council,²¹ the representative of Yemen referred to his letter of 24 January 1991, quoted rule 2 of the provisional rules of procedure of the Security Council and deplored the fact that the President of the Security Council had not yet acceded to his request for an immediate meeting of the Council. This was, in his view, a “dangerous precedent for the conduct of the work of the Council in accordance with its provisional rules of procedure”. He added that: “Rule 2 of the provisional rules of procedure of the Security Council is abundantly clear, and the request of any member of the Council for a meeting of the Council is not subject to or linked with any prior conditions. The grave precedent established by the procrastination and delay in acceding to our request will give the opportunity for the Council to be accused of employing double standards in the positions that it adopts.”

A meeting was eventually convened on 13 February 1991. At its 2977th meeting, in connection with the situation between Iraq and Kuwait, the Council included in its agenda the letter dated 23 January 1991 from representatives of the States

¹⁴ S/22147.

¹⁵ S/22157.

¹⁶ States members of the Arab Maghreb Union.

¹⁷ S/PV.2976, p. 2. For the discussion that followed relating to the adoption of the agenda in that instance, see chapter II, case 3.

¹⁸ S/PV.2976, p. 11.

¹⁹ *Ibid.*, pp. 12-13

²⁰ *Ibid.*, pp. 13-14.

²¹ S/22185.

members of the Arab Maghreb Union,²² the letter dated 24 January 1991 from the representative of Yemen,²³ and the letter dated 28 January 1991 from the representative of Cuba.²⁴

During the debate, the representative of Cuba, in connection with what he termed “the inexplicable delay in convening the Security Council”, quoted from a letter dated 21 April 1966, from the representative of the United States addressed to the President of the Security Council.²⁵ He stated that the Council was meeting for the first time on the twenty-eighth day of the war, despite the efforts that had been made and the specific requests that had been put forward for some time, not only by members of the Security Council, but also by other Members of the United Nations, on whose behalf it was to be assumed the members of the Council act.²⁶

The representative of the United States said that the Council should meet when it was in a position to advance its objectives and to take action. That did not seem to be the case given the continuing refusal of Iraq to acknowledge the validity of the Council’s demands.²⁷

The representative of India noted that the Council had kept the matter under review through informal consultations. That practice ought to continue. However, the informal meetings could not be a permanent substitute for official meetings of the Council. The Council’s failure to meet formally since the expiry on 15 January of the deadline set by resolution 678 (1990) had not reflected well on the prestige of the Council and the United Nations.²⁸

The representative of Austria observed that one of the considerations motivating his country’s idea of holding a formal private meeting was to uphold rule 2 of the provisional rules of procedure, a rule that was of particular importance in protecting the rights of members of the Security Council who found themselves in a minority.²⁹

In a letter dated 14 February 1991, addressed to the President of the Security Council,³⁰ the representatives of the States members of the Arab Maghreb Union stated that they regretted that it had taken the Security Council three weeks to act on their request for a meeting.

Case 3

By a letter dated 27 April 1992, addressed to the President of the Security Council,³¹ the representative of Cuba requested the convening of a meeting of the Council as soon as possible to consider the “terrorist activities being carried out against the Republic of Cuba”. By a letter dated 8 May 1992 addressed to the President of the Security Council,³² the representative of Cuba reiterated his request, stressing that it was “a formal request, made by a State Member of the United Nations exercising its right under Article 35 of the San Francisco Charter, bearing in mind the obligation of the Council under Article 24 of the Charter”. He noted that, on the basis of that right and that obligation, there had been a well-established and generally respected practice since the inception of the United Nations. By a letter dated 13 May 1992, addressed to the President of the Security Council,³³ the representative of Cuba reiterated his country’s request for a meeting. At its

²² Letter dated 23 January 1991 from the representatives of Algeria, the Libyan Arab Jamahiriya, Mauritania, Morocco and Tunisia addressed to the President of the Security Council, S/22135.

²³ S/22144.

²⁴ S/22157.

²⁵ S/7261. The representative of Cuba read out four paragraphs of the letter, including the following:

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

“Subject to rule 2, the President is given, under rule 1, the authority and responsibility to set the time of a meeting. In so doing, the President acts not as a representative of his country but as a servant of the Council, and he does not exercise an arbitrary or unfettered discretion. His decision must be related to the requirements of Articles 24 and 28 of the Charter and of rule 2 of the provisional rules of procedure, and to the urgency of the request and situation. A request for an urgent meeting must be respected and decided upon on an urgent basis, and the timing established responsive to the urgency of the situation.” (S/PV.2977 (Part I), p. 22)

²⁶ S/PV.2977 (Part I), p. 23; see also S/PV.2977 (Part II) (closed), pp. 56-57.

²⁷ S/PV.2977 (Part I), pp. 46-47.

²⁸ *Ibid.*, p. 51.

²⁹ *Ibid.*, p. 53; see also pp. 54-55 (France); and p. 58 (Ecuador).

³⁰ S/22237.

³¹ S/23850.

³² S/23890.

³³ S/23913.

3080th meeting, on 21 May 1992, the Council included Cuba's letter of 27 April in its agenda and considered the matter at the same meeting.

Case 4

By a letter dated 5 October 1992 addressed to the President of the Security Council,³⁴ the members of the Contact Group of the Organization of the Islamic Conference³⁵ called for an immediate meeting of the Security Council to consider the situation in Bosnia and Herzegovina.

At the 3135th meeting, held on 13 November 1992 to consider the item, the representative of Malaysia regretted the delay in convening the meeting. He added that: "The right of Member States to ask for an emergency meeting of the Security Council, with formal debate, to consider such a serious situation, involving a breach of international law and threatening international peace and security, has always to be respected by the Council."³⁶

At the 3136th and 3137th meetings, on 16 November 1992, the representatives of Pakistan and the Comoros expressed satisfaction that the meeting had finally been convened.³⁷

Case 5

By a letter dated 15 August 1989 addressed to the President of the Security Council,³⁸ the Secretary-General expressed deep concern about the tragic events in Lebanon, and reported that the violence in and around Beirut had escalated to a level unprecedented in 14 years of conflict. He concluded by stating: "In my opinion, the present crisis poses a serious threat to international peace and security. Accordingly, in the exercise of my responsibility under the Charter of the United Nations, I ask that the Security Council be convened urgently in order to contribute to a peaceful solution of the problem." Looking back at the end of 1989 on these events in Lebanon, the Secretary-General recalled that in August he had "felt compelled, for the first time in [his] tenure as Secretary-General, to invoke Article 99

³⁴ S/24620.

³⁵ Egypt, Islamic Republic of Iran, Pakistan, Saudi Arabia, Senegal and Turkey.

³⁶ S/PV.3135, p. 28.

³⁷ S/PV.3136, pp. 28-30; S/PV.3137, p. 22.

³⁸ S/20789.

of the Charter".³⁹ In response to the Secretary-General's urgent appeal, the Security Council met on the same day, 15 August 1989, to consider the item entitled "The situation in the Middle East: letter dated 15 August 1989 from the Secretary-General addressed to the President of the Security Council".⁴⁰

Rule 4

Periodic meetings of the Security Council called for in Article 28 (2) of the Charter shall be held twice a year, at such times as the Security Council may decide.

Case 6

At its 3046th meeting, on 31 January 1992, the Security Council convened for the first time in its history at the level of Heads of State or Government,⁴¹ to consider an item entitled "The responsibility of the Security Council in the maintenance of international peace and security".

In his introductory statement, the President (United Kingdom) described the meeting as "unique" and "extraordinary". In convening the meeting he had intended that the discussion could serve, among other things, to reaffirm the principle of collective security, to consider anew the means by which it is upheld through the United Nations, and as an opportunity for

³⁹ Report of the Secretary-General of 22 November 1989 on the situation in the Middle East (S/20971, para. 43).

⁴⁰ See S/PV. 2875. See also chapter VI, case 14, regarding this invocation of Article 99 of the Charter.

⁴¹ With the exception of Hungary and Zimbabwe, all of the members of the Council were represented at the meeting by their Heads of State or Government. The 2608th meeting, on 26 September 1985, was held at the Foreign Minister level to commemorate the fortieth anniversary of the United Nations. At the 2750th meeting, on 20 July 1987, seven members were represented at the Foreign Minister level, including France, the United Kingdom and the United States, while Japan was represented by its Vice-Minister for Foreign Affairs. At the 2943rd meeting, on 25 September 1990, all the members of the Council, except Côte d'Ivoire and Cuba, were represented at the Foreign Minister level. Similarly, at the 2963rd meeting, on 29 November 1990, all the members of the Council, with the exception of Côte d'Ivoire and Yemen, were represented by their Foreign Ministers. At the 3009th meeting, on 25 September 1991, all the members of the Council, with the exception of Côte d'Ivoire, Yemen and Zaire, were represented by their Foreign Ministers.

renewed commitment to international peace and security through reinforced arms control.⁴²

In the course of the debate, the Secretary-General suggested that the Council meet at the “summit level periodically to take stock of the state of the world”. This would “strengthen the tone of authority” that the United Nations needed and help ensure its transformation before its fiftieth anniversary in 1995.⁴³

In letters relating to the 3046th meeting, Member States variously referred to the “special meeting of the United Nations Security Council to be held at the highest political level”,⁴⁴ the “unprecedented summit level session of the Council”,⁴⁵ “this historic meeting”,⁴⁶ “the summit meeting of the Security Council”,⁴⁷ and “the meeting of the Security Council held at the level of Heads of State and Government”.⁴⁸

In his report entitled “An Agenda for Peace” dated 17 June 1992,⁴⁹ the Secretary-General recommended that the Heads of State and Government of the members of the Council meet in alternate years, before the general debate in the General Assembly.⁵⁰

Rule 5

Meetings of the Security Council shall normally be held at the seat of the United Nations.

Any member of the Security Council or the Secretary-General may propose that the Security Council should meet at another place. Should the Security Council accept any such proposal, it shall decide upon the place, and the period during which the Council shall meet at such place.

Case 7

By a letter dated 21 May 1990, addressed to the President of the Security Council,⁵¹ the representative of Bahrain in his capacity as Chairman of the Arab Group requested an immediate meeting of the Security Council in connection with the situation in the occupied Arab territories. In accordance with the understanding reached during informal consultations on 22 May 1990, the Council held its 2923rd meeting at the United Nations Office at Geneva on 25 May 1990.⁵²

⁴² S/PV.3046, pp. 2-6.

⁴³ *Ibid.*, p. 8.

⁴⁴ Letter dated 22 January 1992 from the representative of Iceland addressed to the Secretary-General, transmitting the Reykjavik Statement on the United Nations issued on 21 January 1992 by the Foreign Ministers of the Nordic countries (S/23457).

⁴⁵ Letter dated 29 January 1992 from the representative of Brazil addressed to the President of the Security Council, transmitting a letter from the President of the Federal Republic of Brazil addressed to the Prime Minister of the United Kingdom of Great Britain and Northern Ireland (S/23493).

⁴⁶ Letter dated 31 January 1992 from the representative of Argentina addressed to the President of the Security Council transmitting a letter from the President of the Republic of Argentina addressed to the Prime Minister of the United Kingdom of Great Britain and Northern Ireland (S/23503).

⁴⁷ Letter dated 3 February 1992 from the representative of Mexico addressed to the Secretary-General, enclosing a statement issued by the Government of Mexico (S/23509).

⁴⁸ Letter dated 26 May 1992 from the representatives of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Honduras, Jamaica, Mexico, Paraguay, Uruguay and Venezuela addressed to the Secretary-General, submitting “Guidelines for strengthening the capacity of the United Nations in the area of preventive diplomacy, peacemaking and peacekeeping” (S/24025).

⁴⁹ S/24111, submitted pursuant to the request of the Council contained in the statement by the President of 31 January 1992 (S/23500).

⁵⁰ S/24111, para. 79.

⁵¹ S/21300.

⁵² Notes by the President of the Security Council dated 22 and 23 May 1990 (S/21309 and S/21310, respectively).

Part II

Representation and credentials (rules 13-17)

Note

Since 1948, the reports of the Secretary-General on the credentials of the representatives of members of the Security Council have been circulated to the delegations of all members of the Council 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 have been designated. That practice was followed during the period under review.

By a letter dated 24 December 1991,⁵³ the Secretary-General requested the President of the Security Council to bring to the attention of the members of the Council the text of a letter of the same date from the representative of the Union of Soviet Socialist Republics, transmitting to the Secretary-General a letter, also of the same date, from the President of the Russian Federation. In his letter, the President of the Russian Federation informed the Secretary-General that the membership of the Union of Soviet Socialist Republics in the United Nations, including the Security Council, was being continued by the Russian Federation, and requested the Secretary-General to consider that letter as confirmation of the credentials to represent the Russian Federation in the United Nations organs for all the persons currently holding the credentials of representatives of the Union of Soviet Socialist Republics to the United Nations.⁵⁴

In one instance, during the period under review, the Council received two requests to participate on behalf of a Member State and asked the Secretary-General to prepare a report on credentials under rule 15 (case 8).

⁵³ Not issued as a Security Council document. See note to membership of the Security Council in *Resolutions and Decisions of the Security Council, 1991*, p. v.

⁵⁴ For further details, see chapter VII.

Special cases concerning the application of rules 13-17

Rule 15

The credentials of representatives on the Security Council and of any representative appointed in accordance with rule 14 shall be examined by the Secretary-General who shall submit a report to the Security Council for approval.

Case 8

By a letter dated 20 December 1989 addressed to the President of the Security Council,⁵⁵ the representative of Nicaragua requested a meeting of the Council to consider the situation in Panama.

At its 2901st meeting, on 21 December 1989, the Council, at the request of the United States, voted on the proposal to invite Panama to participate in the discussion.⁵⁶ Speaking in explanation of vote, the United States stated that, although it had abstained, it had no objection to the State of Panama being represented in the debate. The problem was that the Council was being asked to decide the question of participation in a way that did not permit it to consider the question of who would represent Panama.⁵⁷ Other members of the Council underlined that their vote did not prejudge that question.⁵⁸ The President (Colombia) informed the Council that he had received two requests for participation in the debate as representative of Panama. It was his understanding that the Council wished to ask the Secretary-General to prepare a report on credentials under rules 14 and 15 of its provisional rules of procedure.⁵⁹

At its 2902nd meeting, on 23 December 1989, the Council took note of the report on credentials submitted by the Secretary-General in accordance with

⁵⁵ S/21034.

⁵⁶ The proposal was adopted by 14 votes in favour (Algeria, Brazil, Canada, China, Colombia, Ethiopia, Finland, France, Malaysia, Nepal, Senegal, Union of Soviet Socialist Republics, United Kingdom, Yugoslavia), with one abstention (United States).

⁵⁷ S/PV.2901, p. 6.

⁵⁸ *Ibid.*, p. 6 (United Kingdom); and p. 7 (France, Canada).

⁵⁹ *Ibid.*, p. 7.

rule 15.⁶⁰ The President then informed the Council that both requests to participate had been withdrawn in writing.

In his report, the Secretary-General recalled the provisions of the Charter and the provisional rules of procedure applicable to the invitation of non-members of the Security Council and the submission of credentials for their representatives. He then quoted rule 15 and added: "It follows from that rule that the credentials have to be reported upon by the Secretary-General but that the determination as to their approval has to be made by the Council itself. It may be added here that invitations under rule 37 have become so frequent that, in the practice of the Council, the procedure foreseen in rule 15 is not always observed and the Secretary-General is not regularly requested to report on credentials of representatives of States invited under rule 37. That does not mean, however, that the procedure foreseen under rule 15 has become obsolete. In case of doubt, it can be and is applied. The criteria which the Secretary-General must apply when examining a credential under rule 15 are formal in nature. Under international law a credential is a document which certifies that one or several persons are entitled to represent a given State. Such documents must be issued by the Head of the State to be represented, by the Head of its Government or by its Minister for Foreign Affairs, that is, one of the three persons which are presumed under international law to represent their country without having to produce a

credential. The Secretary-General, therefore, must examine whether the document contains a clear authorization to represent a country and whether it is signed by one of the persons cited above."⁶¹

Examining the two requests received, the Secretary-General concluded that, from a formal point of view, both met the technical requirements of a credential, albeit a provisional one since they had reached him in telefaxed form. However, the two communications emanated from contending authorities on the ground. As the Secretary-General was not in a position to clarify the factual situation on the ground, he was not able to formulate an opinion as to the adequacy of the provisional credentials that had been submitted.

Noting that the General Assembly had approved at its forty-fourth session credentials issued by the Government of Panama in which the signatory of the first request had later assumed the post of Foreign Minister, the report of the Secretary-General referred to General Assembly resolution 396 (V), which is designed to avoid conflicting practice of the various organs in matters of recognition of the representation of Member States. It quoted paragraph 3 of that resolution, in which the Assembly recommended that "the attitude adopted by the General Assembly ... concerning any such question should be taken into account in other organs of the United Nations and in the specialized agencies".⁶²

⁶¹ Ibid., pp. 1-2.

⁶² Ibid., p.3.

⁶⁰ S/21047.

Part III Presidency (rules 18-20)

Note

Part III of the present chapter deals with proceedings of the Security Council directly related to the Office of the President. Material relevant to the exercise by the President of his functions in connection with the agenda is dealt with in chapter II. Material pertaining to the exercise by the President of his functions in the conduct of meetings is included in part V of this chapter.

During the period under review, there was no special case concerning the application or interpretation of rule 18, which provides for the monthly rotation of the presidency in the English alphabetical order of the names of the members of the Council. No exception was made to that rule when, on two occasions, States members of the Council changed their names. In the first instance, the application of rule 18 caused a Council member to hold the presidency twice in one year, while in the second instance the order of the rotation of the presidency was not affected. Democratic Yemen, which had been elected to the

Council for a term of office starting on 1 January 1990, held the presidency of the Council in March 1990. On 22 May 1990, Democratic Yemen merged with Yemen to form a single State with the name “Yemen”. As a result, Yemen held the presidency in December 1990, after the United States. By a letter dated 24 December 1991, during the presidency of the Union of Soviet Socialist Republics, the President of the Russian Federation informed the Secretary-General that the membership of the Union of Soviet Socialist Republics in the United Nations, including the Security Council, was being continued by the Russian Federation.⁶³ He requested that the name “Russian Federation” be used in the United Nations in place of the name “Union of Soviet Socialist Republics”. Owing to the composition of the Council, the change of name did not affect the order of rotation according to rule 18.⁶⁴

There were no special instances concerning rule 19, which deals with the conduct of the presidency. On one occasion, the President represented the Security Council in ascertaining Iraq’s irrevocable and unqualified acceptance of resolution 687 (1991) and noting, on behalf of the members of the Council, that the conditions in paragraph 33 of that resolution had been met and that the formal ceasefire referred to in that paragraph was therefore effective.⁶⁵

There was one instance of the application of rule 20, which deals with the temporary cession of the chair by the President (case 9).

During the period under review, the members of the Council continued to use informal consultations as a procedure for reaching decisions. On many occasions, the President presented the results of such consultations to the Council in the form of a statement of consensus made on behalf of the members,⁶⁶ or as a draft resolution, which the Council then adopted without further debate.⁶⁷ In other instances, the

628 (1989); S/20400, adopted without change as resolution 629 (1989); S/20429, adopted without change as resolution 630 (1989); S/20449, adopted without change as resolution 631 (1989); S/20466, adopted without change as resolution 632 (1989); S/20656, adopted without change as resolution 633 (1989); S/20679, adopted without change as resolution 634 (1989); S/20690, adopted without change as resolution 635 (1989); S/20752, adopted without change as resolution 637 (1989); S/20755, adopted without change as resolution 639 (1989); S/20873, adopted without change as resolution 642 (1989); S/20951, adopted without change as resolution 644 (1989); S/20996, adopted without change as resolution 645 (1989); S/21020, adopted without change as resolution 646 (1989); S/21073, adopted without change as resolution 647 (1990); S/21117, adopted without change as resolution 648 (1990); S/21184, adopted without change as resolution 649 (1990); S/21207, adopted without change as resolution 650 (1990); S/21217, adopted without change as resolution 651 (1990); S/21258, adopted without change as resolution 653 (1990); S/21286, adopted without change as resolution 654 (1990); S/21325, adopted without change as resolution 655 (1990); S/21350, adopted without change as resolution 656 (1990); S/21357, adopted without change as resolution 657 (1990); S/21376, adopted without change as resolution 658 (1990); S/21411, adopted without change as resolution 659 (1990); S/21471, adopted without change as resolution 662 (1990); S/21562, adopted without change as resolution 664 (1990); S/21800, adopted without change as resolution 668 (1990); S/21811, adopted without change as resolution 669 (1990); S/21822, adopted without change as resolution 671 (1990); S/21927, adopted without change as resolution 675 (1990); S/21970, adopted without change as resolution 676 (1990); S/21972, adopted without change as resolution 679 (1990); S/22000, adopted without change as resolution 680 (1990); S/22022, adopted without change as resolution 681 (1990); S/21988/Rev.2, adopted with oral amendments as resolution 682 (1990); S/22170, adopted without change as resolution 684 (1991); S/22171, adopted without change as resolution 685 (1991); S/22470, adopted with one oral amendment as resolution 689 (1991); S/22525, adopted without change as resolution 690 (1991); S/22564, adopted without change as resolution 691 (1991); S/22616, adopted without change as resolution 693 (1991); S/22633, adopted without change as resolution 694 (1991); S/22650, adopted without change as resolution 696 (1991); S/22652, adopted without change as resolution 696 (1991); S/22700, adopted without change as resolution 697 (1991); S/22857, adopted without change as resolution 701 (1991); S/22940, adopted without change as resolution 705 (1991); S/22984, adopted without

⁶³ For further details, see chapter VII.

⁶⁴ The following countries were members of the Security Council in 1992: Austria, Belgium, Cape Verde, China, Ecuador, France, Hungary, India, Japan, Morocco, Russian Federation, United Kingdom, United States, Venezuela, Zimbabwe.

⁶⁵ Letter dated 11 April 1991 from the President of the Security Council addressed to the representative of Iraq (S/22485).

⁶⁶ See decisions collected in chapter IV, part IV, section B.1.

⁶⁷ S/20374, adopted without change as resolution 627 (1989); S/20399, adopted without change as resolution

change as resolution 708 (1991); S/23090, adopted without change as resolution 714 (1991); S/23137, adopted without change as resolution 716 (1991); S/23145, adopted without change as resolution 717 (1991); S/23180, adopted without change as resolution 718 (1991); S/23196, adopted without change as resolution 719 (1991); S/23245, adopted without change as resolution 721 (1991); S/23250, adopted without change as resolution 722 (1991); S/23281, adopted without change as resolution 723 (1991); S/23285, adopted without change as resolution 724 (1991); S/23330, adopted without change as resolution 725 (1992); S/23372, adopted without change as resolution 726 (1992); S/23382, adopted without change as resolution 727 (1992); S/23383, adopted without change as resolution 728 (1992); S/23411, adopted without change as resolution 729 (1992); S/23427, adopted without change as resolution 730 (1992); S/23461, adopted without change as resolution 733 (1992); S/23483, adopted without change as resolution 734 (1992); S/23534, adopted without change as resolution 740 (1992); S/23523, adopted without change as resolution 741 (1992); S/23620, adopted without change as resolution 743 (1992); S/23651, adopted without change as resolution 745 (1992); S/23722, adopted without change as resolution 746 (1992); S/23743, adopted without change as resolution 747 (1992); S/23788, adopted without change as resolution 749 (1992); S/23797, adopted without change as resolution 750 (1992); S/23834, adopted without change as resolution 751 (1992); S/24026, adopted without change as resolution 756 (1992); S/24078, adopted without change as resolution 758 (1992); S/24084, adopted without change as resolution 759 (1992); S/24114, adopted without change as resolution 760 (1992); S/24199, adopted without change as resolution 761 (1992); S/24207, adopted without change as resolution 762 (1992); S/24267, adopted without change as resolution 764 (1992); S/24288, adopted without change as resolution 765 (1992); S/24320, adopted without change as resolution 766 (1992); S/24347, adopted without change as resolution 767 (1992); S/24360, adopted without change as resolution 768 (1992); S/24382, adopted without change as resolution 769 (1992); S/24444, adopted without change as resolution 772 (1992); S/24487, adopted without change as resolution 774 (1992); S/24497, adopted without change as resolution 775 (1992); S/24617, adopted without change as resolution 779 (1992); S/24650, adopted without change as resolution 782 (1992); S/24652, adopted without change as resolution 783 (1992); S/24737, adopted without change as resolution 784 (1992); S/24738, adopted without change as resolution 785 (1992); S/24784, adopted without change as resolution 786 (1992); S/24827, adopted without change as resolution 788 (1992); S/24841, adopted without change as resolution 789

President announced the agreement or consensus in a statement, note or letter circulated as a Council document.⁶⁸

For instance, the outcome of reviews of the various measures imposed against Iraq carried out pursuant to resolution 687 (1991)⁶⁹ was communicated by the President of the Security Council in statements to the media or presidential statements issued as documents of the Security Council. Such statements typically provided that “after hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes” that were in force.⁷⁰

Special cases concerning the application of rules 18-20

Rule 20

Whenever the President of the Security Council deems that for the proper fulfilment of the responsibilities of the presidency he should not preside over the Council during the consideration of a particular question with which the member he represents is directly connected, he shall indicate his decision to the Council. The presidential chair shall then devolve, for the purpose of the consideration of that question, on the representative of the member next

(1992); S/24842, adopted without change as resolution 790 (1992); S/24861, adopted without change as resolution 791 (1992); S/24863, adopted without change as resolution 793 (1992); S/24880, adopted without change as resolution 794 (1992); S/24940, adopted without change as resolution 795 (1992); S/24949, adopted without change as resolution 796 (1992); S/24941, adopted without change as resolution 797 (1992); S/24987, adopted without change as resolution 799 (1992).

⁶⁸ For the presidential statements issued only as Security Council documents see chapter IV, part IV, section B.2. For decisions recorded in letters or notes, see chapter IV, part IV, section C.

⁶⁹ Resolution 687 (1991) of 3 April 1991, paras. 21 and 28.

⁷⁰ Letter dated 6 August 1991 from the President of the Security Council addressed to the Secretary-General (S/22904). Notes by the President of the Security Council (S/23107 of 2 October 1991; S/23305 of 20 December 1991, reissued for technical reasons on 6 March 1992; S/23517 of 5 February 1992; S/23761 of 27 March 1992; S/24010 of 27 May 1992; S/24352 of 27 July 1992; S/24584 of 24 September 1992; S/24843 of 24 November 1992).

in English alphabetical order, it being understood that the provisions of this rule shall apply to the representatives on the Security Council called upon successively to preside. This rule shall not affect the representative capacity of the President as stated in rule 19, or his duties under rule 7.

Case 9

At the 2907th meeting of the Council, on 9 February 1990, convened at Cuba's request to consider the item entitled "Letter dated 2 February 1990 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council (S/21120)", the President (Cuba) stated that the item on the agenda directly involved the interests of Cuba and the United States. He quoted rule 20 of the provisional rules of procedure of the Security Council and noted that it placed the decision whether

or not to vacate the Chair — provided that the circumstances envisaged by the rule existed — entirely within the discretion of the President. The precedents he had examined revealed that Presidents of the Council had not made it a habit to vacate their seats because the Council was considering situations with which their Governments were directly concerned. In fact, he had found only two precedents in the Council's practice over the past 25 years. Nonetheless, he had decided that it would be appropriate for him to exercise the discretion given to the President under rule 20 and to vacate the Chair while the item was under discussion.⁷¹ Consequently, in accordance with rule 20, he invited the representative of Democratic Yemen to preside over the meeting for the consideration of that item.

⁷¹ S/PV.2907, pp. 6-7.

Part IV Secretariat (rules 21-26)

Note

Part IV relates to rules 21 to 26 of the provisional rules of procedure, which set out the specific functions and powers of the Secretary-General in connection with the meetings of the Security Council.⁷² These rules reflect

the provisions of Article 98 of the Charter insofar as they concern the requirements of the Security Council.

There were no special instances of the application of rules 21 to 26 during the period under review.

Instances in which the Secretary-General was requested or authorized by the Security Council to carry out other functions, in accordance with Article 98 of the Charter, are dealt with in chapter VI (Relations with other United Nations organs).

⁷² Under rule 24 the Secretary-General has provided not only the required staff to service meetings of the Council, but also made available staff for subsidiary organs of the Council both at Headquarters and in the field.

Part V Conduct of business (rules 27-36)

Note

Part V sets out the cases bearing on rules 27 and 29 to 36. Material relating to rule 28 can be found in chapter V (Subsidiary organs of the Security Council). Material relating to rules 37 to 39 is included in chapter III (Participation in the proceedings of the Security Council).

As in 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 (cases 10-12);

(b) Rule 30, on the extent to which the President rules on a point of order (case 13). Those instances in which representatives, having asked to be recognized on a point of order, made statements in

which no ruling was required have not been included in the present study;⁷³

(c) Rule 33, on the suspension and adjournment of meetings (cases 14-16).

An instance of the application of rule 36, on the order in which amendments are put to the vote, has also been included for its illustrative value (case 17).

During the period under review there were no special instances of the application of rules 29, 31, 32, 34 and 35.

The provisional rules of procedure of the Security Council do not contain a rule permitting the President to call speakers to order if their remarks are not relevant to the item under discussion.⁷⁴ However, there have been instances where Presidents have expressed their regret or displeasure at the language used by a speaker. At the 2981st meeting, held on 3 April 1991 in connection with the situation between Iraq and Kuwait, the representative of Iraq referred to the representative of Kuwait as “a man with no identity, personal or national”.⁷⁵ The President (Belgium) stated that he regretted “the manner in which the representative of Iraq had referred to his colleague from Kuwait”.⁷⁶

Special cases concerning the application of rules 27-36

Rule 27

The President shall call upon representatives in the order in which they signify their desire to speak.

Case 10

At the 2898th meeting of the Council, held on 14 December 1989 in connection with the situation in Cyprus, the representative of Greece, who had been

invited to participate under rule 37, suggested that the President of the Security Council might wish to place before the members of the Council a proposal — in the light of Security Council resolutions 541 (1983) and 550 (1984), and bearing in mind rules 27, 29, 37 and 39 of the Council’s provisional rules of procedure — that precedence should be given to representatives of Member States who wished to address the Council over persons entitled to address the Council under rule 39.⁷⁷ No action was taken in response to the proposal at that meeting.

Case 11

At the 2938th meeting, held on 25 August 1990 in connection with the situation between Iraq and Kuwait, the representative of Iraq stated that he had asked to speak before the vote in order to show the “illegality” under the Charter of the resolution just adopted by the Council.⁷⁸ He noted that the President, “without citing a precedent or procedure”, had denied him that privilege.

Case 12

At the 2977th meeting, held on 14 February 1991 in connection with the situation between Iraq and Kuwait, the representative of the United States, speaking after the representative of Kuwait, addressed a number of questions to the representative of Kuwait “in full knowledge of, and in keeping with, our provisional rules of procedure”.⁷⁹ The next speaker, the representative of Saudi Arabia, expressed his willingness, if the President so wished, to let the representative of Kuwait answer the questions put to him before making his own statement. The President (Zimbabwe) called on the representative of Kuwait, who was interrupted by the representative of Yemen on a point of order. The representative of Yemen recalled that members of the Security Council had agreed to abide strictly by the provisional rules of procedure and affirmed that the representative of Kuwait had every right to answer the questions addressed to him, but “should do so in accordance with the list of speakers”. In other words, he should inscribe his name at the end of the list.⁸⁰

⁷³ For example, at the 2970th meeting, held on 19 December 1990 in connection with the situation in the occupied Arab territories, the representative of the United Kingdom requested on a point of order that the President call on the representative of Finland to report on his contacts with members of the Council on the matter before it. The President called on the representative of Finland, who presented his report.

⁷⁴ See rule 68 of the rules of procedure of the General Assembly.

⁷⁵ S/PV.2981, p. 133.

⁷⁶ *Ibid.*, p. 137.

⁷⁷ S/PV.2898, p. 40.

⁷⁸ S/PV.2938, p. 66.

⁷⁹ S/PV.2977 (Part II) (closed), p. 26.

⁸⁰ *Ibid.*, p. 28.

The representative of the United States, speaking on the point of order raised by the representative of Yemen, stated that it was clear that the representative of Saudi Arabia, who was next on the list of speakers, had “yielded his priority to the representative of Kuwait, in accordance with rule 27 of the provisional rules of procedure”. He noted that, normally, members of the Council exerted “their right to priority to appear on the list” without prior clearance by the other Council members. In fact, he had inscribed his name only hours before in the second place on the list, without seeking the permission of eight other Council members. In the absence of objection on the part of other members, there should be “no reason why, in the careful following of the rules of procedure”, the Council should not proceed to hear the response of the representative of Kuwait.⁸¹

The representative of Cuba underlined that his delegation had no objection to any representative who had “requested to participate in our deliberations, doing so as many times as he or she feels necessary”. However, the meeting was to be conducted in accordance with the rules of procedure. In his view, “the representative of the United States [had] the right to propose that the relevant rule not be applied, but not that a new list of speakers be drawn up”. If the representative of Saudi Arabia did not wish to speak, but preferred to yield his place on the list, the next speaker on that list ought to follow him. The representative of Cuba noted that “the Council should follow the order of the list of speakers, or it should determine that the United States has raised a point of order and proposed that the rule not be applied and that a different order be followed. In that event, the Council would have to take a decision, and if the majority of members [did] not agree with the proposal, the letter of rule 27 must be observed”.⁸²

The representative of Zaire was of the opinion that the representative of Saudi Arabia “could, under rule 27, yield his place to the representative of Kuwait if he wish[ed] to do so”. He questioned whether the

Council could prevent the representative of Kuwait from speaking, even if he had to do so several times, in order to inform the Council on all aspects of the conflict, which primarily concerned Kuwait. He also pointed out that the closed meeting had been convened to permit a frank exchange of views. The representative of Kuwait should therefore be allowed to answer the questions put to him by the representative of the United States.⁸³ The representative of the United Kingdom agreed “that the right thing [was] to allow the representative of Kuwait, who [was] a party to this dispute, to answer the questions”. It would be better to allow the President to “apply the rules of procedure as they are and to allow the representative of Kuwait to reply to the questions”.⁸⁴ The representative of Cuba proposed that the Council respect rule 27 of its rules of procedure and that if necessary a vote should be taken.⁸⁵

The President then explained that it had been his understanding that the representative of Saudi Arabia had ceded his place on the list to the representative of Kuwait. If that had not been the intention of the representative of Saudi Arabia, there had been a misunderstanding. He had called on the representative of Kuwait on the basis that the representative of Saudi Arabia was willing to wait until a later stage to make his presentation, and to have a new place on the list of speakers.⁸⁶ The representative of Saudi Arabia explained that he had not intended to cede his position on the list of speakers. He had been, and still was, prepared to wait while the representative of Kuwait spoke, before making his own presentation. The President stated that, in the light of this explanation, the representative of Saudi Arabia had the floor; the representative of Kuwait could reply to the questions at a later stage.⁸⁷

Rule 30

If a representative raises a point of order, the President shall immediately state his ruling. If it is challenged, the President shall submit his ruling to the Security Council for immediate decision and it shall stand unless overruled.

⁸¹ Ibid., p. 28.

⁸² Ibid., p. 31.

⁸³ Ibid., p. 32.

⁸⁴ Ibid., p. 33.

⁸⁵ Ibid., p. 33.

⁸⁶ Ibid., pp. 34-35.

⁸⁷ Ibid., p. 36.

Case 13

At the 2976th meeting, held on 31 January 1991 in connection with the situation between Iran and Iraq, the representative of Cuba took the floor before the adoption of the agenda, voicing his delegation's "deep dissatisfaction" that the Council had not been able to consider a "serious problem" of concern to the entire world.⁸⁸ The representative of the United States, speaking on a point of order, submitted that, unless the representative of Cuba had a proposal to make with respect to the provisional agenda, the debate into which he was entering was out of order.⁸⁹ The President (Zaire) noted that the Council had before it a provisional agenda. If the representative of Cuba wished to raise a point of order under rule 30, the President would be obliged to ask the members of the Council to take an immediate decision on his ruling with regard to the adoption of the provisional agenda.⁹⁰ The President reminded the Council that it was proceeding according to rule 9 of the provisional rules of procedure. If a member objected to the adoption of the provisional agenda he would be obliged to put that challenge to the vote. Speaking on the point of order, the representative of Yemen contended that rule 9 did not preclude a statement by a member of the Council before the adoption of the agenda. The President reiterated that the agenda had to be adopted first. If his ruling were challenged, he would request the Council to take a decision on that challenge. Those who voted against that challenge would be in favour of the strict application of rule 9. The representative of Yemen clarified that he had not challenged what the President had said about rule 9. The provisional agenda was adopted without objection.⁹¹

Rule 33

The following motions shall have precedence in the order named over all principal motions and draft resolutions relative to the subject before the meeting:

1. *To suspend the meeting;*
2. *To adjourn the meeting;*
3. *To adjourn the meeting to a certain day or hour;*

⁸⁸ S/PV.2976, p. 2.

⁸⁹ Ibid., p. 3.

⁹⁰ Ibid., p. 3.

⁹¹ See also chapter II.

4. *To refer any matter to a committee, to the Secretary-General or to a rapporteur;*

5. *To postpone discussion of the question to a certain day or indefinitely; or*

6. *To introduce an amendment.*

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

Case 14

At the 2966th meeting, held on 8 December 1990 in connection with the situation in the occupied Arab territories, the representative of the Union of Soviet Socialist Republics moved, under rule 33.3, that the Council should adjourn the meeting until Monday, 10 December, at 3 p.m.⁹²

Following statements by several representatives, the representative of Zaire expressed his surprise that the Council had engaged in a discussion although rule 33 stated quite clearly in its last paragraph that any motion for the suspension or simple adjournment of the meeting should be decided without debate.⁹³ In reply, the President (Yemen) explained that the applicable rule was rule 33.3, concerning the adjournment of the meeting to a certain day or hour, and that, under point 3, discussion was permitted.⁹⁴ The proposal to adjourn the meeting was put to the vote and adopted.⁹⁵

Case 15

At the 2970th meeting, held on 19 December 1990 in connection with the situation in the occupied Arab territories, the representative of the United Kingdom proposed the suspension of the meeting, in accordance with rule 33.1 of the provisional rules of procedure.⁹⁶ After reading out the applicable rule, the President (Yemen) noted that it did not specify whether a vote was necessary on the motion to suspend. In the absence of objection, the meeting would be suspended to a further time to be decided by the President.⁹⁷ Following an objection from the representative of

⁹² S/PV.2966, p. 6.

⁹³ Ibid., p. 17.

⁹⁴ Ibid., p. 18.

⁹⁵ The proposal was adopted by 9 votes in favour, 4 against, with 2 abstentions.

⁹⁶ S/PV.2970 (Part I), p. 7.

⁹⁷ Ibid., p. 7.

Malaysia, the motion to suspend the meeting was put to the vote and adopted by 9 votes to 6.

Case 16

At the 2972nd meeting, held on 22 December 1990 in connection with the letter dated 7 December 1990 from the President of the Trusteeship Council addressed to the President of the Security Council, the representative of Cuba proposed that the meeting be adjourned until Tuesday, 8 January 1991 at 3 p.m., in accordance with rule 33.3. He stated that the Council had not had an opportunity to consider in depth the situation that was the subject of the agenda item, and that there were very specific requests from the representatives of the people whose destiny the Council would be deciding, asking the Council not to take a hasty decision.⁹⁸ The representative of the United States opposed the proposal to adjourn for several reasons and expressed the view that, in accordance with the agreement reached in informal consultations the day before, the Council should proceed to the vote on the agenda item before it.⁹⁹ The Cuban motion to adjourn the meeting was put to the vote but was not adopted.¹⁰⁰

⁹⁸ S/PV.2972, pp. 2-3. The item concerned the partial termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands. See also chapter VI, case 9.

⁹⁹ S/PV.2972, pp. 3-7.

¹⁰⁰ The vote was 2 in favour, 9 against, and 4 abstentions.

Rule 36

If one or more amendments to a motion or draft resolution are proposed, the President shall rule on the order in which they are to be voted upon. Ordinarily, the Security Council shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed until all amendments have been put to the vote, but when an amendment adds to or deletes from the text of a motion or draft resolution, that amendment shall be voted on first.

Case 17

At its 2978th meeting, held on 2 March 1991, in connection with the situation between Iraq and Kuwait, the Council had before it a draft resolution submitted by the United States.¹⁰¹ Members also had before them 18 amendments submitted by Cuba.¹⁰² After quoting rule 36 of the Council's provisional rules of procedure, the President (Austria) set out the order in which he intended to put the amendments to the vote.¹⁰³ The Council proceeded to vote on the amendments in that order.

¹⁰¹ S/22298.

¹⁰² Contained in documents S/22300 to S/22317.

¹⁰³ S/PV.2978, p. 7.

Part VI Languages (rules 41-47)

During the period under review, there were no special cases concerning the application of rules 41 to 47.

Part VII Publicity of meetings, records (rules 48-57)

Note

Rule 48 provides that, unless it decides otherwise, the Security Council shall meet in public. In accordance with rule 49, the verbatim records of each meeting are made available in the working languages to the representatives on the Security Council, as well

as to the representatives of any other States that participated in the meeting — not later than 10 a.m. of the first working day following the meeting. A note is incorporated in the copies of the record showing the time and date of distribution. Corrections, in the same language as the text to which they refer, may be submitted and are issued as corrigenda to the published

verbatim record. In one instance during the period under review, there was an agreed waiver of the requirement laid down in rule 49 regarding the time of issuance of the verbatim record of the meeting (case 19).

The Council has opted on occasion to discuss certain matters in private. During the period under review, the Council held five private meetings.¹⁰⁴ The deliberations leading to the holding of a private meeting in connection with the situation between Iraq and Kuwait are considered below (case 18). At the close of each meeting, the Council issued a communiqué through the Secretary-General, in accordance with rule 55 of the provisional rules of procedure. In one instance, it also released the record of the private meeting (case 20).

Special cases concerning the application of rules 48-57

Rule 48

Unless it decides otherwise, the Security Council shall meet in public. Any recommendation to the General Assembly regarding the appointment of the Secretary-General shall be discussed and decided at a private meeting.

¹⁰⁴ The five private meetings were the following:

<i>Meeting</i>	<i>Date</i>	<i>Agenda item</i>
2892	17 November 1989	Consideration of the draft report of the Security Council to the General Assembly
2958	23 November 1990	Consideration of the draft report of the Security Council to the General Assembly
3017	21 November 1991	Recommendation regarding the appointment of the Secretary-General of the United Nations
2977 (Part II), resumed 5 times	14, 15, 16, 23 and 25 February and 2 March 1991	The situation between Iraq and Kuwait
3020	29 November 1991	Consideration of the draft report of the Security Council to the General Assembly

Case 18

At the 2977th meeting of the Council, held on 13 February 1991, in connection with the situation between Iraq and Kuwait, the representative of the United Kingdom proposed that, in accordance with rule 48 of the provisional rules of procedure, the Council should meet in private to consider the item on the agenda. He noted that, as a general rule, the Council should meet in public, as envisaged by the provisional rules of procedure. However, the rules of procedure also provided for private meetings in exceptional circumstances. In the view of his delegation, the circumstances were indeed exceptional. The Council should do nothing that could detract from its unity of purpose or blur the signal sent to the outside world. The present occasion called for serious and careful consideration of all developments away from the glare of immediate publicity. The representative recalled that, in the context of Western Sahara in 1975, the Council had decided that a private meeting would best assist the exploratory discussion on that issue. It had chosen a format that had enabled it to enter into a dialogue with the participants. The speaker believed that that format offered the right model for the current meeting. He explained that his proposal was not intended to limit participation or restrict knowledge of the proceedings: all Members of the United Nations would be free to attend and participate, and the verbatim record would be taken and circulated. He believed, however, that the Council would carry out its functions better if the public aspect of the meeting — the presence of the media — did not influence or even distort the course and nature of its debate.¹⁰⁵

The representative of Yemen opposed the proposal put forward by the United Kingdom. He argued that since the Council represented the entire membership of the United Nations and all the peoples of the world, it was — save in exceptional circumstances — expected to meet in public, and in a clear and transparent manner. Recalling three exceptions to that established tradition, he stated that the purpose of holding the present meeting in private was not to put questions to a delegation, or to listen to the parties concerned, or to hear new information from any quarter, as in previous cases, but solely to exclude the media. He contended that no problem was created by difference of opinion, pointing out that the situation in the Gulf had been debated in public for over six

¹⁰⁵ S/PV.2977 (Part I), pp. 2-4.

months and that public opinion deserved to be informed. In fact, it was in the interest of the Council and the United Nations that the Council should be constantly scrutinized by other Members of the United Nations and public opinion.¹⁰⁶

The representative of Cuba also opposed the proposal. He regretted that the representative of the United Kingdom had not pointed to the very valuable precedent of the first private meeting held in 1956. On that occasion, the Council had heard statements in public meetings before holding a private meeting. He also wondered how the Council could avoid giving the impression that it was divided or lacked cohesiveness when it met three weeks after being requested to do so. The Council, he said, had been considering the same subject, with full publicity, for six and a half months and differences of opinion had been expressed. The representative believed that the Council must meet in public, in keeping with the requests made by a number of sovereign Member States. It must also meet in public because the war was of legitimate concern to all Member States and peoples of the world who had the right to know the views of the Council.¹⁰⁷

The representative of the Union of Soviet Socialist Republics was of the view that a public debate might hinder the efforts made by the Soviet Union and other countries to achieve a peaceful settlement, whereas a “comprehensive and businesslike” discussion in a private meeting might provide these efforts with the necessary additional impetus.¹⁰⁸

The representative of the United States supported the holding of a private meeting because it would enable those delegations that wished to do so to express their views and to exchange ideas in an appropriate setting. He hoped that it would “offer the opportunity for a serious and constructive discussion, free from the glare of instantaneous publicity and the misinterpretation and misuse to which [the] meeting might be subject”.¹⁰⁹

The representative of India stated that informal consultations, although they were useful and should continue, could not be a permanent substitute for official meetings. In his delegation’s view, it would be proper and desirable for the meeting to be public, in

accordance with the Council’s normal practice. A decision to depart from this normal practice should be taken only in very special circumstances. His delegation was not convinced that the present circumstances justified such an exception but would respect the Council’s decision, should it decide, by majority, to convert the meeting into a private one. This was provided for by the Council’s rules of procedure, but it would be the first time that such an important decision would be taken by vote. His delegation expected that, in the near future, the Council would revert to its traditional method of meeting in public.¹¹⁰

The proposal to continue the meeting in private was put to the vote and adopted.¹¹¹

In a letter dated 14 February 1991 addressed to the President of the Security Council,¹¹² the representatives of the States members of the Arab Maghreb Union, who had requested the meeting, expressed regret that the Council had created a precedent by deciding that the general debate would be held in closed session. They confirmed that they would not be participating in the closed meetings.

Rule 49

Subject to the provisions of rule 51, the verbatim record of each meeting of the Security Council shall be made available to the representatives on the Security Council and to the representatives of any other States which have participated in the meeting not later than 10 a.m. of the first working day following the meeting.

Case 19

A note by the President of the Security Council dated 22 May 1990,¹¹³ referred to the understanding reached in informal consultations among the members of the Council that a meeting of the Council would be held at the United Nations Office at Geneva on 25 May 1990, and stated that the members of the Council had also agreed to waive the requirement laid down in rule 49 regarding the time of issuance of the verbatim

¹⁰⁶ Ibid., pp. 6-12.

¹⁰⁷ Ibid., pp. 18-37.

¹⁰⁸ Ibid., pp. 37-41.

¹⁰⁹ Ibid., p. 42.

¹¹⁰ Ibid., pp. 51-52.

¹¹¹ Proposal adopted by 9 votes in favour to 2 against (Cuba and Yemen), with 4 abstentions (China, Ecuador, India and Zimbabwe).

¹¹² S/22237.

¹¹³ S/21310.

record of the meeting. The verbatim record would, accordingly, be issued in New York at a later date.¹¹⁴

Rule 51

The Security Council may decide that for a private meeting the record shall be made in a single copy alone. This record shall be kept by the Secretary-General. The representatives of the States which have participated in the meeting shall, within a period of ten days, inform the Secretary-General of any corrections they wish to have made in this record.

Case 20

At its 2977th meeting, held on 13 February 1991 in connection with the situation between Iraq and Kuwait, the Council decided to continue the meeting in

private, without having resort to the provisions of rule 51. The representative of the United Kingdom stated that his delegation's proposal to continue the meeting in private was not intended "to limit participation or restrict knowledge of the proceedings", adding that "the normal verbatim record would be taken and circulated".¹¹⁵ Opposing the proposal, the representative of Yemen pointed out that the verbatim record would in any event be available on the day after the meeting.¹¹⁶ Supporting the proposal, the representative of the United States noted that it would permit all who wished to do so to express their views in an appropriate setting, while allowing them to get their statements on record.¹¹⁷

The verbatim record of the second part of the 2977th meeting, held in private, was prepared and distributed in the same way as the record of a public meeting.¹¹⁸

¹¹⁴ The meeting was held to consider the item entitled "The situation in the occupied Arab territories: letter dated 21 May 1990 from the Permanent Representative of Bahrain to the United Nations addressed to the President of the Security Council (S/21300)"; see S/PV.2923.

¹¹⁵ S/PV.2977 (Part I), p. 4. See case 18 above.

¹¹⁶ S/PV.2977 (Part I), p. 7.

¹¹⁷ *Ibid.*, p. 42.

¹¹⁸ S/PV.2977 (Part II) (closed) and resumption 1-5 (closed).