

# UNITED NATIONS

# SECURITY COUNCIL



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LETTER DATED 26 NOVEMBER 1969 FROM THE SECRETARY-GENERAL ADDRESSED TO THE  
PERMANENT REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS

I have the honour to acknowledge the receipt of your letter of 7 November 1969 (S/9498), in which reference is made to document S/9455: "Telegram dated 25 September 1969 from the Minister of Foreign Affairs of the German Democratic Republic addressed to the President of the Security Council". In your letter it is stated that:

"With regard to the foot-note to document S/9455... it should be pointed out that this foot-note was an arbitrary act by an official in the United Nations Secretariat. It was not approved by the President of the Security Council - a fact which naturally cannot be regarded as normal."

The foot-note in question indicated that document S/9455 was: "Circulated at the direction of the President of the Security Council". To the best of my knowledge, this factual statement was correct, and it was added by the Secretariat, with my approval, to indicate clearly on what authority the document was issued. This was otherwise not apparent from the text of the communication in document S/9455, as it was not prefaced by any note from the President of the Security Council, which might have been anticipated in the circumstances, or any written request from a Member State for circulation.

It was necessary to indicate that document S/9455 was not circulated on the initiative of the Secretariat, as it departed from Secretariat practices and policies regarding the circulation of communications as Security Council documents.

In accordance with the practices and policies, communications are only circulated as Security Council documents by the Secretariat when such circulation is expressly requested by a State or otherwise authorized by the rules of procedure or relevant decisions of the Security Council.

None of the above conditions were met in the case of the document S/9455, in that:

(a) The telegram in document S/9455 did not itself contain a request for circulation in document form.

(b) The telegram related to Security Council resolution 269 (1969) of 12 August 1969, a resolution containing no provisions requesting comments from any source, except for a report from the Secretary-General on the implementation of the resolution.

(c) Previous communications from the same source have only been circulated in document form upon the written request of a Member State. Rule 6 of the provisional rules of procedure of the Security Council, on the basis of which the Secretary-General takes the initiative in the circulation of communications, refers, inter alia, to communications from "States". Security Council resolution 269 (1969) of 12 August, to which document S/9455 refers, contain mention of "all States". The fact that the Secretariat cannot on its own initiative implement an "any State" or "all States" formula without precise instructions from the Security Council or the General Assembly is well known, and I need only refer in this respect to my statement at the 1258th plenary meeting of the General Assembly on 18 November 1963.

In view of the foregoing, in order to prevent the misunderstandings which otherwise would have inevitably arisen, the foot-note was added by the Secretariat to document S/9455. In these circumstances, and given the completely factual nature of the foot-note, I cannot conclude that any "arbitrary act" was involved in this case. As your letter of 7 November 1969 (S/9498) was circulated, at your request, as a document of the Security Council, I am also circulating the present reply in document form.

Yours sincerely,

(Signed) U THANT

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