
Chapter I

Provisional rules of procedure of the Security Council

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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

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).

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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

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

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 Tc0.0310 Tw[(SI, has fbea)-45-4.7(e)- the Sec.0310 T9(of tth)-5.3. Sec2(y-G)-Presidi Cderatform

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

⁶⁰ S/21047.

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

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

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

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

⁸¹ Ibid., p. 28.

⁸² Ibid., p. 31.

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.

⁸³ Ibid., p. 32.

⁸⁴ Ibid., p. 33.

⁸⁵ Ibid., p. 33.

⁸⁶ Ibid., pp. 34-35.

⁸⁷ Ibid., p. 36.

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

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

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.

