Chapter I

Provisional rules of procedure of the Security Council and related procedural developments
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Introductory note

The present chapter contains material bearing upon the practice of the Security Council in relation to its provisional rules of procedure, 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).

As in previous Supplements, the major subheadings contained in this chapter follow the order of the relevant chapters of the provisional rules of procedure of the Security Council. The case histories and other information presented here do not constitute cumulative evidence of the practice of the Council, but are indicative of issues and practices that have arisen in the proceedings of the Council.

The practice of the Council in relation to some of the provisional rules of procedure is 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).

During the period under review, the Council did not formally consider the adoption or amendment of its provisional rules of procedure, although during discussions on working methods of the Council in informal consultations of the whole held on 23 December 1997, some members stressed the need to adopt definitive rules of procedure for the Council.1 However, by several notes of the President, the Council clarified its working methods and procedure. They will be covered in the relevant sections of the present chapter.

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Part I
Meetings (rules 1-5)

Note
The material in section A reflects the practice of the Council in relation to provisions of Article 28 of the Charter, and indicates special instances of the interpretation or application of rules 1 to 5 on the convening and place of Security Council meetings. Relevant material falling under rules 1 and 4 is included below. A new section, B, details a number of procedural developments relating to meetings that occurred during the period under review.

A. 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.

Case 1
From 1996 to 1999, there were two instances when Council meetings were not convened within the interval of 14 days: 20 days between the 3846th meeting on 23 December 1997 and the 3847th meeting on 13 January 1998; and 20 days between the 3993rd meeting on 9 April 1999 and the 3994th meeting on 30 April 1999. However, no questions arose in the proceedings of the Council on this matter.

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.

Article 28 (2) provides that the Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the Government or by some other specially designated representative. During the period under review, the Council held three ministerial-level meetings, all on the agenda item entitled “The situation in Africa”. In resolution 1170 (1998), adopted at the 3886th meeting on 28 May 1998, the Council expressed its intention to convene at the ministerial level on a biennial basis, beginning in September 1998 and subsequently as needed in order to assess progress in promoting peace and security in Africa. The 3931st and 4049th ministerial meetings were held one year apart.

B. Procedural developments relating to meetings

Formal meetings
In a note by the President dated 30 December 1999, the members of the Council restated their view that there should be an increased recourse to public meetings, and that the Secretary-General should be encouraged to make statements, when he deemed it appropriate, in public meetings of the Council.

The note also offered options for structuring formal meetings of the Council, as follows:

In an effort further to advance the resolution of a matter under consideration, the members of the Security Council have agreed to use a range of meeting options from which they can select the one best suited to facilitate specific discussions. Recognizing that the provisional rules of procedure of the Security Council and their own practice provide them with considerable flexibility in choosing how best to structure their meetings, members of the Council have agreed that meetings of the Council could be structured according to, but not limited to, the following formats:

(a) Public meetings:

(i) To adopt Council action, at which Member States that are not members of the Security Council participate pursuant to the Charter of the United Nations;

2 The 3819th, 3931st and S/PV.4049th meetings, held on 25 September 1997, 24 September 1998 and 29 September 1999, respectively. A fourth meeting on the item was presided over by the Minister of State for Foreign and Commonwealth Affairs of the United Kingdom, but other representation at the meeting was not at the ministerial level (4081st meeting, on 15 December 1999).

3 S/1999/1291.
(ii) To hold, inter alia, briefings, thematic debates and orientation debates, at which Member States that are not members of the Security Council participate pursuant to the Charter;

(b) Private meetings:

(i) To hold briefings or other debates, which any interested Member State may attend;

(ii) To allow certain Member States whose interests the Security Council considers are specially affected by the matter under consideration to attend, as parties to a conflict;

(iii) To permit the transaction of Security Council business which only members of the Security Council attend, e.g. appointment of the Secretary-General.4

The members of the Council also welcomed recent steps which had been taken by the Council to hold briefings by members of the Secretariat in Council meetings.5

Consultations and exchange of information with troop-contributing countries

At the 3645th meeting of the Security Council, held on 28 March 1996 in connection with the item entitled “An agenda for peace: peacekeeping”, the Council reviewed its arrangements for consultations and exchange of information with troop-contributing countries which had been established by the statement of the President of 4 November 1994.6 By the statement by the President of 28 March 1996,7 the Council decided to follow in future the procedures set out below:

5 S/1999/1291, para. 1. For example, in the monthly assessment by the presidency of the Council for November 1998 it was noted that, in an innovation, a public meeting of the Council was held at which Sadako Ogata, the United Nations High Commissioner for Refugees, held a briefing (Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 2 (A/54/2), p. 413).

(a) Meetings will be held as a matter of course between members of the Council, troop-contributing countries and the Secretariat for the purpose of consultations and the exchange of information and views; the meetings will be chaired by the presidency of the Council supported by a representative of the Secretariat;

(b) The meetings will be held as soon as practicable and in good time before the Council takes decisions on the extension or termination of, or significant changes in, the mandate of a particular peacekeeping operation;

(c) When the Council considers establishing a new peacekeeping operation, meetings will be held, unless it proves to be impracticable, with any prospective troop contributors who have already been approached by the Secretariat and who have indicated that they may be willing to contribute to the operation;

(d) The President of the Council will, in the course of informal consultations with members of the Council, report the views expressed by participants at each meeting with troop-contributing or prospective troop-contributing countries;

(e) The existing practice of inviting to these meetings Member States which make special contributions to peacekeeping operations other than troops, that is, contributions to trust funds, logistics and equipment, will continue;

(f) The monthly tentative forecast of work of the Council made available to Member States will include an indication of the expected schedule of such meetings for the month;

(g) Ad hoc meetings may be convened in the event of unforeseen developments in a particular peacekeeping operation which could require action by the Council;

(h) These meetings will be in addition to those convened and chaired by the Secretariat for troop contributors to meet with special representatives of the Secretary-General or force commanders, or to discuss operational matters concerning particular peacekeeping operations, to which members of the Council will also be invited;

(i) Background information and an agenda will be circulated by the Secretariat to the participants well in advance of each of the various meetings referred to above; members of the Council may also circulate information as appropriate;

(j) Interpretation services in all the official languages of the Organization will continue to be available; translation of written documents will continue to be available, if possible in advance of the meetings;

(k) The time and venue of each meeting should, where possible, appear in advance in the Journal of the United Nations;

(l) The Council will append to its annual report to the General Assembly information about these meetings.

The Council recalls that the arrangements described above are not exhaustive. They do not preclude consultations in a variety of forms, including informal communication between the President of the Council or the members of the Council and troop-contributing countries and, as appropriate, other countries especially affected, for example, countries from the region concerned.
The Council will continue to keep arrangements for consultations and the exchange of information and views with troop contributors and prospective contributors under review and stands ready to consider further measures and new mechanisms to enhance further the arrangements in the light of experience.

In a note by the President dated 30 November 1998, the members of the Council agreed that relevant bodies and agencies of the United Nations might be invited to troop contributors meetings when they had a specific contribution to make to the issue under discussion; that other Member States contributing to peacekeeping operations, as appropriate, should also be invited to troop contributors meetings; and that the President would inform troop contributors about forthcoming Council deliberations and expected decisions.

Consultations and exchanges of information with individuals, organizations or institutions in informal meetings (Arria formula meetings)

During the period under review, members of the Council continued to hold consultations in the format of Arria formula meetings. In a letter dated 17 March 1999 from the representative of Venezuela addressed to the Secretary-General and the President of the Security Council, the representative noted that the Arria formula was associated with the name of the representative of Venezuela on the Security Council during his country’s most recent term as a non-permanent member of the Council. He recalled that during the presidency of Venezuela in 1992, the Council had deemed it appropriate and necessary to obtain direct assessments from individuals, organizations or institutions that could, because of their responsibilities or personal or institutional influence, contribute to a better understanding of the situation under consideration. The representative of Venezuela wished to caution, however, that the informal mechanism should be used in accordance with its original concept and should not be invoked in order to receive representatives of countries which were full Members of the United Nations, as that would be contrary to the principle of sovereign equality of States.

Part II
Representation and credentials (rules 13-17)

Rule 13 of the provisional rules of procedure of the Security Council requires each member of the Council to communicate the credentials of its accredited representative to the Secretary-General not less than twenty-four hours before that representative takes his seat on the Council. In addition, any Member of the United Nations not a member of the Council and any State not a Member of the United Nations, if invited to participate in a meeting or meetings of the Council, must also communicate the credentials of its representative in a like manner to the Secretary-General, in accordance with rule 14. The Secretary-General is required by rule 15 to examine the credentials of the above categories of representatives and to submit a report thereon, certifying that the credentials are in order, to the Security Council for approval. The practice of the Council regarding those rules has been that the credentials of representatives have been communicated to the Secretary-General who submits his report to the Council pursuant to rule 15 when changes in the representation of members of the Council have been made and when, at the beginning of each year, the representatives of the newly elected non-permanent members of the Council are designated. This practice was followed during the period under review.
No special cases concerning the application of rules 13-17 occurred during the period under review.\textsuperscript{11} 

\textsuperscript{11} See chapter III for information related to invitations to and participation in the meetings of the Security Council.

### Part III

#### Presidency (rules 18-20)

During the period under review, Presidents regularly briefed non-members of the Council, made statements and remarks to the press and held bilateral and multilateral meetings with concerned parties such as Member States, chairmen of the regional groups and others. Some Presidents held bilateral meetings with the President of the General Assembly, the President of the Economic and Social Council or the Secretary-General.\textsuperscript{12}

On 28 October 1998, the President represented the Council at the first meeting of the heads of the principal organs of the United Nations. This informal meeting was initiated by the Secretary-General to improve coordination among the principal organs and

\textsuperscript{12} Presidents of the Council noted the following in their monthly assessments: (a) the President for the month of November 1997 briefed the President of the General Assembly and chairmen of the regional groups on the programme of work of the Council (\textit{Official Records of the General Assembly, Fifty-third Session, Supplement No. 2} (A/53/2), p. 327); (b) the President for the month of January 1999 met with the Secretary-General and with the Acting President of the General Assembly. A meeting with the President of the Economic and Social Council focused on ways to implement Article 65 of the Charter and enhance cooperation between the Security Council and the Economic and Social Council, particularly in dealing with post-conflict situations (\textit{Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 2} (A/54/2), p. 428); (c) the President for the month of February 1999 met with the President and the Acting President of the General Assembly regarding the Council’s programme of work and with the President of the Economic and Social Council regarding closer cooperation between the Council and the Economic and Social Council as envisaged in Article 65 (ibid., p. 442); (d) the President for the month of June 1999 met with the Secretary-General and the Presidents of the General Assembly and the Economic and Social Council (ibid., p. 461); and (e) the President for the month of July 1999 met with the President of the Economic and Social Council (\textit{Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 2} (A/55/2, p. 442).
efficiency in the workings of the Organization. During the review period, the same type of meeting was held again on 26 October 1999.

On 6 October 1998, the President represented the Council at the presentation of the first Dag Hammarskjöld medals for United Nations peacekeeping and paid tribute to the courage and dedication of those who had given their lives while serving United Nations peacekeeping.13

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 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 2

The 3634th meeting was held on 27 February 1996 in response to a letter from the representative of the United States to discuss the item entitled “Shooting down of two civil aircraft on 24 February 1996”.14 The President of the Council for the month of February was the representative of the United States. The representative of Cuba, invited to participate in the discussion under rule 37, expressed the following view:

On many occasions — and when serving on the Council my country was no exception — Presidents of the Security Council have invoked rule 20 of the Council’s provisional rules of procedure to demonstrate clearly to the international community that, in line with basic ethical behaviour, they would not attempt to benefit from the prerogatives of their office. Such behaviour has been lacking in this instance, and it is abundantly clear that the fact that the United States is presiding over the Council at this time has engendered a very particular dynamic and very particular features in the Council’s work.15

The President thanked the representative of Cuba for his statement.

B. Procedural developments relating to the presidency

Monthly assessments by former Presidents of the Council

In a note by the President of 12 June 1997,16 concerning the annual report of the Council to the General Assembly, the Council decided that as an addendum to the report, Presidents would provide brief assessments of the work of the Council during their term(s) as President. Specifically, the note provides the following:

There will also be attached, as an addendum to the report, brief assessments on the work of the Security Council, which representatives who have completed their functions as President of the Security Council may wish to prepare, under their own responsibility and following consultations with members of the Council for the month during which they presided and which should not be considered as representing the views of the Council.

The following disclaimer will appear at the beginning of the addendum containing the above-mentioned assessments:

The attachment of the assessments of former Presidents on the work of the Security Council as an addendum to the report is intended to have an informative purpose and should not necessarily be considered as representing the views of the Security Council.

Presidential texts

The members of the Council continued to use informal consultations of the whole as a procedure for briefings, discussions and reaching agreements. On many occasions, the President presented “consensus texts”, or the results of such consultations, to the Council in the form of a presidential statement made on behalf of its members, or as a draft resolution, which the Council then adopted in a formal meeting without further debate. On other occasions, the President announced the agreement or consensus in a note or letter circulated as a Council document.17

The President was also at times authorized by members of the Council to make statements to the press, although these are not considered decisions of

13 A/54/2, p. 412.
15 S/PV.3634, p. 5.
17 See chapter IV for further information on decisions of the Council.
the Council. Beginning in August 1998 and continuing through the end of the period under review, statements to the press by the President of the Security Council were reproduced in almost all monthly assessments by former Presidents.\(^\text{18}\)

\[^{18}\text{The monthly assessment for October 1999 did not contain texts of statements to the press.}\]

### Part IV

**Secretariat (rules 21-26)**

Part IV relates to rules 21 to 26 of the provisional rules of procedure, which set out the functions and powers of the Secretary-General in connection with the meetings of the Security Council. Those rules reflect the provisions of Article 98 of the Charter insofar as they concern the requirements of the Security Council.\(^\text{19}\)

While no discussion concerning rules 21 to 26 took place during the period under review, two relevant procedural developments are described below.

Rule 22 states that the Secretary-General, or his deputy acting on his behalf, may make either oral or written statements to the Security Council concerning any question under consideration by it. In a note by the President dated 30 October 1998, the members of the Council agreed that, as part of the continuing efforts towards transparency of the methods of work of the Council, the Secretary-General should be encouraged to make statements, when he deemed it appropriate, in public meetings of the Council.\(^\text{20}\) The Council reiterated this view in its note of 30 December 1999.\(^\text{21}\)

Under rule 25, the Secretary-General shall give to representatives on the Council notice of meetings of the Council and its commissions and committees. During the period under review, members of the Council also requested the Secretariat to establish an appropriate mechanism for alerting non-members of the Council about unscheduled or emergency meetings of the Council during nights, weekends or holidays.\(^\text{22}\)

### Part V

**Conduct of business (rules 27-36)**

**Note**

Part V sets out the material bearing on rules 27 and 29 to 36, which concerns conduct of business at meetings of the Council. Material relating to rule 28 can be found in chapter V (Subsidiary organs of the Security Council), while material relating to rules 37 and 39 is included in chapter III (Participation in the proceedings of the Security Council).

\[^{19}\text{For specific instances in which the Secretary-General was requested or authorized by the Security Council to carry out other functions in accordance with Article 98 of the Charter, see chapter VI (Relations with other United Nations organs).}\]

\[^{20}\text{S/1998/1016, para. 1.}\]

\[^{21}\text{S/1999/1291, para. 1.}\]

\[^{22}\text{S/1998/1016.}\]
During the period under review, the Council continued to search for efficient, effective and transparent ways to conduct meetings. These included holding more open briefings, as recommended in a note by the President, but also at times limiting interventions to members of the Council in the interest of time. A note by the President on the preparation of resolutions and statements will be covered under rule 31, which concerns the presentation of proposed resolutions, amendments and substantive motions. There were no special instances of the application of rules 27, 29, 30, 32, 33, 34, 35 and 36.

**Special cases concerning the application of rules 27-36**

**Rule 31**

*Proposed resolutions, amendments and substantive motions shall normally be placed before the representatives in writing.*

In a note by the President dated 17 February 1999, it was deemed important that all members of the Council be allowed to participate fully in the preparation of resolutions and statements. The drafting of resolutions and statements by the President should be carried out in a manner that would allow adequate participation of all members of the Council. While the need was recognized for the Council, in many instances, to adopt its decisions expeditiously, it was also noted that sufficient time needed to be allowed for consultations of all members of the Council and for their own consideration of the drafts, prior to action by the Council on specific items.

**Part VI**

**Languages (rules 41-47)**

**Note**

Rules 41 to 47 concern the official and working languages of the Council, interpretation, the provision for representatives to make speeches in languages other than the languages of the Council, and the languages of meeting records and published resolutions and decisions. During the period under review, the Council made recommendations relevant to rule 42.

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23 S/1999/1291. See also part IV of the present chapter, on briefings by the Secretary-General at public meetings, as well as part VII, concerning publicity of meetings.


25 S/1999/165.

26 See also part VII, Publicity of meetings, records, below for further discussion of the dissemination of draft resolutions and draft presidential statements.
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Special cases concerning the application of rules 41-47

Rule 42

_Speeches made in any of the six languages of the Security Council shall be interpreted into the other five languages._

The Council recommended that interpretation should be provided, whenever possible, for briefings made by the presidency to States that were not members of the Council.27 The briefings in question were those made to the States shortly after informal consultations of the whole.

27 S/1999/1291, para. 3.

Part VII

Publicity of meetings, records (rules 48-57)

Note

Efforts were made, during the period under review, to increase the transparency of the Council through greater publicity of meetings and briefings, including to non-members, the press, non-governmental organizations and others.28 An effort to provide improved publicity of meetings resulted in a revised annual report of the Security Council to the General Assembly, which is detailed below.

There was no direct discussion of rule 48, which concerns the holding of public meetings. However, the members of the Council, in a note by the President dated 30 December 1999,29 agreed that they should make every effort to determine which matters, including situations involving specific countries, could usefully be considered in public meetings of the Council, in particular at an early stage in its consideration of a subject.

In the same note by the President, the members agreed that, in the absence of agreement to the contrary, the President of the Council should make draft resolutions and draft presidential statements available to States that were not members of the Council as soon as they were introduced within

28 In the monthly assessments by former Presidents of the work of the Security Council, begun in July 1997, many former Presidents noted their efforts towards increased transparency and publicity of Council meetings, including meeting the press and briefing non-members of the Council after each session of informal consultations. The following examples, while not exhaustive, illustrate the efforts made by Presidents of the Council: (a) for the benefit of non-members of the Council, the President for the month of July 1997 established the practice of announcing in the _Journal of the United Nations_ the issues that had been scheduled for consideration under the agenda item entitled “Other matters” in the informal consultations (_Official Records of the General Assembly, Fifty-third Session, Supplement No. 2_ (A/53/2), p. 312); (b) the President for the month of June 1998, while continuing the established practice of providing daily briefings on the Council’s informal consultations to other United Nations Members, scheduled such briefings immediately after each session of informal consultations. As noted in the assessment by the President, this proved to be useful, since the number of delegations attending increased significantly. In addition, the presidency organized early in the month a lunch with representatives of the non-governmental organizations that followed most closely the work of the Council and, at the end of the month, provided them with a detailed and comprehensive briefing on the Council’s discussions and deliberations throughout June (ibid., p. 360); (c) a number of Presidents (August 1998, September 1998, September 1999, November 1999 and December 1999) noted on the websites of their Missions their efforts to provide timely information (_Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 2_ (A/54/2), pp. 391 and 402); and _Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 2_ (A/55/2), pp. 481 and 495).

29 S/1999/1291.
informal consultations of the whole. The availability of
draft resolutions in blue in accordance with the note by
the President of 28 February 1994 would remain
unchanged. 30

In the same note, the members of the Security
Council noted the importance of the practice of the
presidency briefing States that were not members of
the Council. They agreed that such briefings should be
substantive and detailed and should cover elements
presented by the President to the press. They also
agreed that such briefings should take place shortly
after informal consultations of the whole. The members
encouraged the President of the Council, at those
briefings or as soon thereafter as practicable, to
continue to make available to States that were not
members of the Council copies of statements that he
made to the media following informal consultations. 31

The members of the Council also encouraged the
Secretary-General to make the briefing notes on field
operations that were distributed to the members of the
Council available, in a timely manner, to States that
were not members of the Council. 32

Revised annual report of the Security
Council to the General Assembly

Article 24 (3) states:

*The Security Council shall submit annual and,
when necessary, special reports to the General
Assembly for its consideration.*

In a note by the President dated 12 June 1997, 33
the Council decided that the report of the Security
Council to the General Assembly would include the following sections:

(a) In relation to each subject dealt with by the
Council:

(i) As background, a descriptive list of the decisions,
resolutions and presidential statements of the Council for
the one-year period preceding the period covered by the
report;

(ii) For the period covered by the report, a description
in chronological order of the consideration by the Council
of the matter in question and of actions taken by the
Council on that item, including descriptions of the
decisions, resolutions and presidential statements, and a
list of communications received by the Council and
reports of the Secretary-General;

(iii) Factual data, including dates of formal meetings
and informal consultations at which a subject was
discussed;

(b) Information regarding the work of the subsidiary
organs of the Council, including the sanctions committees;

(c) Information regarding the documentation and
working methods and procedures of the Council;

(d) Matters brought to the attention of the Council but
not discussed by it during the period covered;

(e) Appendices as in the present report, but also:

(i) The full text of all resolutions, decisions and
presidential statements adopted or voted upon by the
Council during the year in question;

(ii) Information about meetings with troop-contributing
countries.

In the same note, the members of the Security
Council stated they would continue to consider and to
review ways to improve the Council’s documentation
and procedure. 34

31 S/1999/1291, para. 3.
32 Ibid., para. 4.
34 Ibid., para. 6.