

*Repertoire of the Practice of the Security Council*  
**Supplement 2000-2003**

**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 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).

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 6-12, in chapter II (Agenda); rule 28, in chapter V (Subsidiary organs of the Security Council); rules 37-39, in chapter III (Participation in the proceedings of the Security Council); rule 40, in chapter IV (Voting); rules 58-60, in chapter VII (Practice relative to recommendations to the General Assembly regarding membership in the United Nations); and rule 61, in chapter VI (Relations with other United Nations organs).

As in previous *Supplements*, the major sub-headings contained in this chapter follow the order of the relevant 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. Some members of the Council did however, in their interventions, note the need for the review or updating of the provisional rules of procedure.

For instance, at the 4616<sup>th</sup> meeting held on 26 September 2002 to consider the draft report of the Security Council to the General Assembly, the representative of Singapore noted "it is remarkable that the Council's rules of procedure remain

provisional after 57 years.”<sup>1</sup> He further cited the recommendation of the Secretary-General, contained in his report “Strengthening the United Nations: an agenda for further change”<sup>2</sup> that the Security Council “might consider codifying the recent changes in its own practice.”<sup>3</sup> The representative of France, however, questioned whether further codification was necessary and favored developing the Council’s working methods without “getting bogged down too much in codification.”<sup>4</sup> Similarly, the representative of the United Kingdom was of the opinion that “we do not need to institutionalize; we need to achieve results in practice”.<sup>5</sup>

From 2000 to 2003, the Council took a number of steps to improve its working methods and procedure,<sup>6</sup> which included the following: attendance by newly elected members during the month preceding their term;<sup>7</sup> inclusion and circulation of printed fact sheets for briefings by the Secretariat to Council members;<sup>8</sup> communication and dissemination by the President and Secretariat of Council decisions and statements to the press as well as issuance of statements to the press made by the President as United Nations press releases.<sup>9</sup> New arrangements were also introduced for consultation and exchange of information with troop contributing countries.<sup>10</sup>

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<sup>1</sup> S/PV.4616, p. 3.

<sup>2</sup> A/57/387, para. 21.

<sup>3</sup> S/PV.4616, p. 4.

<sup>4</sup> Ibid., p.8.

<sup>5</sup> Ibid., p. 11.

<sup>6</sup> A descriptive index of notes and statements by the President of the Security Council relating to documentation and procedure was annexed to a letter from the President of the Security Council addressed to the Secretary-General dated 6 September 2002 (A/57/382-S/2002/1000). An updated descriptive index was issued on 7 February 2006 (S/2006/78).

<sup>7</sup> S/2000/155 and S/2002/1276.

<sup>8</sup> S/2002/316.

<sup>9</sup> S/2001/640.

<sup>10</sup> S/2002/964.

## **PART I**

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

#### **NOTE**

A new Section A includes a number of procedural developments relating to meetings that occurred during the period under review.

The material in Section B 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. During the period under review, there were two instances falling under rule 1, one case under rule 2 (case 1), as well as two cases under rule 4 (cases 2-3). There were no special instances of the application of rule 5.

During the period under review, in two instances, dealt with under rule 1, meetings were not convened within the interval of 14 days.

In one case, dealt with under rule 2, a request for convening an urgent meeting of the Security Council was made and generated a number of complaints on the timing (case 1).

The meeting of the Security Council held on 7 September 2000 at the level of Heads of State or Government has been included under rule 4, although it was not convened explicitly under that rule or Article 28 (2) of the Charter (case 2).<sup>11</sup> Four ministerial-level meetings, convened between 2000 and 2003, have also been included (case 3).<sup>12</sup> In addition, reference is provided to a number of meetings that enjoyed the high-level participation of representatives of both members and non-members of the Council. In fact, during the review period it became a common practice of Foreign

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<sup>11</sup> At the 1544<sup>th</sup> meeting, on 12 June 1970, the President had 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.

<sup>12</sup> In one instance, the Secretary-General encouraged the Council to utilize more often high-level meetings on thematic issues. At the 4174<sup>th</sup> meeting held on 20 July 2000 in connection with the prevention of armed conflicts, the Secretary-General suggested that, as some of the Charter's provisions related to prevention had been under-utilized, the Council could hold "periodic meetings at the foreign minister level, as provided for in Article 28" to discuss thematic or actual prevention issues. See S/PV.4174, p. 3.

Ministers or other high-ranking officials of the Presidency to preside over some of the meetings during their term.<sup>13</sup> Non-members participating in same deliberations were correspondingly represented at a high level.

During the period under review, the members of the Council continued to meet frequently in the format of informal consultations of the whole. Aside from official meetings and informal consultations of the whole, Council members maintained the practice of informal activities<sup>14</sup> as opportunities for further and candid exchange of views and for strategic reassessment of their work.

## **A. PROCEDURAL DEVELOPMENTS RELATING TO MEETINGS**

From 2000 to 2003, the Council witnessed, *inter alia*, a number of significant procedural developments relating to the format of meetings which will be briefly introduced below: (i) the introduction of private meetings open to all non-members; (ii) the holding of “wrap-up sessions”; (iii) the formalization of the consultative mechanism with troops-contributing countries to the peacekeeping operations; and (iv) the revitalization of Security Council missions.

### **(i) Private meetings open to all non-members**

During the period under review, the Security Council held private meetings open to the entire membership of the Organization.<sup>15</sup> These meetings, closed to the media and the public, were announced in the Daily Journal as being “open to non-members of the

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<sup>13</sup> For instance, during the United States presidency, the Vice-President of the United States presided over the 4087<sup>th</sup> meeting held on 10 January 2000 on the issue of Africa and AIDS (see S/PV.4087). In addition, apart from meetings designated as Summit and ministerial level, a number of Council members, held one or more meetings during their Presidencies which were presided over by their Foreign Ministers, and not by their permanent representatives to the United Nations. See, for example, S/PV.4485, S/PV.4701, S/PV.4739, S/PV.4753 and S/PV.4414.

<sup>14</sup> Such informal activities included the Arria-formula meetings, monthly luncheons and annual retreats with the Secretary-General, annual workshops for newly elected members of the Council (see document S/2004/135 containing the report of the first such workshop held in December 2003) as well as seminars and workshops conducted in collaboration with the United Nations Institute for Training and Research (UNITAR) and such organizations as the International Peace Academy and Columbia University.

<sup>15</sup> See S/2002/603\*, p. 5.

Security Council who wish[ed] to attend”. Consequently, non-members attended these private meetings without having to submit a letter of request for participation.

## **(ii) Wrap-up meetings**

In June 2001, the Council met in public for the first time to evaluate procedural and substantive aspects of its work during the month in a “wrap-up session”.<sup>16</sup> During the period under review, the Council periodically held wrap-up sessions, which at first only involved the participation of Council members and subsequently included the participation of non-members.<sup>17</sup>

## **(iii) Meetings with Troop-Contributing Countries**

One of the major developments relating to meetings during this four-year period was the establishment of a formal mechanism for consultation and exchange of information with troop-contributing countries (TCCs) in the format of public or private meetings, following the adoption of resolution 1353 (2001).<sup>18</sup>

At its 4220<sup>th</sup> meeting held on 13 November 2000 in connection with the item “Ensuring an effective role of the Security Council in the maintenance of international peace and security: Letter dated 10 November 2000 from the Chairman of the Security Council Working Group on the Brahimi Report addressed to the President of the Security Council (S/2000/1084)”,<sup>19</sup> the Council adopted resolution 1327 (2000),<sup>20</sup> which endorsed the recommendations of the Panel on United Nations Peace Operations on strengthening

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<sup>16</sup> Ibid., p. 5.

<sup>17</sup> See S/PV.4343 and S/PV.4363 (in this connection, see also two papers outlining the framework for exchange of views at the respective meetings: S/2001/822, Annex and S/2001/1140, Annex) ; S/PV.4432; S/PV.4445; S/PV.4466; S/PV.4482; S/PV.4547 (in this connection, see also the Summary Paper of the meeting: S/2002/622); S/PV.4562 (in this connection, see also the Summary Paper of the Meeting: S/2002/759 and the Note verbale for the preparation of the wrap-up session: S/2002/701); S/PV.4677 (in this connection, see also the background document on the wrap-up of the work of the Security Council during the year 2002: S/2002/1387); S/PV.4748; S/PV.4766; and S/PV.4818.

<sup>18</sup> S/RES/1353 (2001).

<sup>19</sup> S/PV.4220.

<sup>20</sup> S/RES/1327(2000).

the existing consultations between TCCs, the Council and the Secretariat.<sup>21</sup> At that meeting, several Council members supported the recommendations in their explanations of vote.<sup>22</sup> Jamaica, for its part, underscored that “the use of private meetings between potential and current contributors before and after the establishment of a peacekeeping mission [was] a step which [Jamaica] believe[d] should be pursued in earnest.”<sup>23</sup>

Formalization of the consultative mechanism with the TCCs was further enhanced when the Council considered the item entitled “Strengthening cooperation with troop-contributing countries” at its 4257<sup>th</sup> meeting on 16 January 2001.<sup>24</sup> In his introductory remarks, the President (Singapore) stated that the Council did not have “any preconceived notions of the outcome of [the] open debate,” and “the goal [of the debate] must be to enhance the relationship between the TCCs, the Security Council and the Secretariat, and bring about a new spirit of cooperation among the three partners”.<sup>25</sup> Several delegations particularly cited the consultations between Council members and TCCs to UNAMSIL on 4 October 2000 as a good example of collaboration between the two.<sup>26</sup>

On 31 January 2001, by a presidential statement,<sup>27</sup> the Council established a Working Group on Peacekeeping Operations to address both generic peacekeeping issues and technical aspects of individual operations.<sup>28</sup> By the same statement, the Council recognized the need for a transparent three-way relationship between the Council, the Secretariat and the TCCs that would foster a new spirit of partnership, cooperation and confidence, and reiterated its agreement to hold consultations with TCCs in a timely manner at different stages of a UN peacekeeping operation. On 13 June 2001, the Council

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<sup>21</sup> The Panel on United Nations Peace Operations was convened by the Secretary-General in March 2000 to undertake a thorough review of the United Nations peace and security activities and to present a clear set of concrete and practical recommendations for such activities in the future. The Panel’s report was transmitted to the Council by a letter dated 21 August 2000 from the Secretary-General to the President of the Council (S/2000/809).

<sup>22</sup> See S/PV. 4220: Jamaica, p. 3; Bangladesh, p. 7; France, p. 8; Canada, p. 9; Argentina, p. 10; United Kingdom, p. 11; Tunisia, p. 13; Malaysia, p. 14; Ukraine, p. 15; Namibia, pp. 15-16; and the President (the Netherlands), pp. 16-17.

<sup>23</sup> *Ibid.*, p. 3.

<sup>24</sup> S/PV.4257 and S/PV.4257 (res. 1). Prior to the 4257<sup>th</sup> meeting, the Presidency (Singapore) prepared and circulated a background paper for the debate (S/2001/21).

<sup>25</sup> S/PV.4257, p. 3.

<sup>26</sup> S/PV. 4257: New Zealand, p. 26. S/PV. 4257 (res. 1): Ukraine, p. 11; President (Singapore), p. 31.

<sup>27</sup> S/PRST/2001/3.

<sup>28</sup> See S/2002/603\*, p. 16.

adopted resolution 1353 (2001)<sup>29</sup> on cooperation with TCCs which stipulated, *inter alia*, that the Council would hold public or private meetings with the participation of TCCs to ensure a full and high-level consideration of issues of critical importance to specific peacekeeping operations.<sup>30</sup> In addition, it provided that consultation meetings with TCCs chaired by the President of the Council would continue as the principal means of consultation.<sup>31</sup> The first private meeting with the TCCs, in accordance with resolution 1353 (2001), was held on 10 September 2001 with the TCCs to UNMEE at the 4369<sup>th</sup> (closed) meeting.<sup>32</sup>

#### **(iv) Security Council missions**

During the period under review, the Council conducted 13 missions away from headquarters (see table 1 below), while during the period covered by the previous *Supplement* (1996-1999) it conducted only one mission.<sup>33</sup> In particular, the Council dispatched its missions to areas of conflicts five times in 2000, the highest number of missions dispatched per year in the Council's history. Upon return of its missions, the Council in general held meetings to consider the reports of the missions.<sup>34</sup> Following consideration of the reports, the Council, in some cases, adopted resolutions and presidential statements. In one case the resolution, while welcoming the efforts of the Council mission and its report, condemned the renewed fighting in the region.<sup>35</sup> In another case, the mission's report was endorsed in the preambular part of a resolution.<sup>36</sup> Three presidential statements<sup>37</sup> were adopted with regard to four missions during the reporting period, in which the Council endorsed the recommendations contained in its

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<sup>29</sup> S/RES/1353 (2001).

<sup>30</sup> S/RES/1353(2001) Annex II, A.

<sup>31</sup> S/RES/1353(2001) Annex II, B. Further to resolution 1353 (2001), the Note by the President (S/2002/964) regarding participation was issued on 27 August 2002.

<sup>32</sup> At the close of the meeting, a communiqué (S/PV.4369) was issued in accordance with rule 55 of the Council's provisional rules of procedure.

<sup>33</sup> East Timor (8-12 September 1999).

<sup>34</sup> As for the Council mission to East Timor and Indonesia in November 2000, the Council held first a private meeting (4228<sup>th</sup>) on 20 November 2000, followed by a public meeting (4236<sup>th</sup>) on 28 November 2000.

<sup>35</sup> S/RES/1297 (2000).

<sup>36</sup> S/RES/1355 (2001).

<sup>37</sup> S/PRST/2000/31, S/PRST/2000/39 and S/PRST/2003/12.

reports of the missions.<sup>38</sup> In the presidential statement<sup>39</sup> regarding the two missions to Central and West Africa which took place in June and July 2003, the Council also expressed its intention to review progress in implementing the recommendations by the end of 2003.<sup>40</sup> Among the 13 missions, the mission dispatched to Kosovo in June 2001 was noteworthy for two reasons: it was the first Council mission led by the President of the Council and comprised all 15 members of the Council. Henceforth, Council missions have included all 15 members.

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<sup>38</sup> S/2000/992, S/2000/1105, S/2003/653 and S/2003/688.

<sup>39</sup> S/PRST/2003/12.

<sup>40</sup> The review of the progresses took place at the 4899<sup>th</sup> meeting on 23 January 2004 on the Council mission to West Africa and at the 4911<sup>th</sup> meeting on 17 February 2004 on the Council mission to Central Africa.

**Table 1: Security Council missions from 2000 to 2003**

<b>Duration of the mission</b>	<b>Destination</b>	<b>Composition</b>	<b>Terms of Reference</b>	<b>Report</b>	<b>Council reaction</b>
27-29 April 2000	Kosovo	Bangladesh (Head of mission), Argentina, Canada, China, Jamaica, Malaysia, Russian Federation, Ukraine	S/2000/320	S/2000/363	4138 <sup>th</sup> meeting on 11 May 2000
4-8 May 2000	Democratic Republic of the Congo	United States (Head of mission), France, Mali, Namibia, the Netherlands, Tunisia, United Kingdom	S/2000/344	S/2000/416 [and Corr. 1 (Chinese only)]	4143 <sup>rd</sup> meeting on 17 May 2000
9-10 May 2000	Eritrea and Ethiopia	United States (Head of mission), France, Mali, Namibia, the Netherlands, Tunisia, United Kingdom	S/2000/39 <sup>41</sup>	S/2000/413	4142 <sup>nd</sup> meeting on 12 May 2000  Adopted resolution 1297 (2000)
7-14 October 2000	Sierra Leone	United Kingdom (Head of mission), Bangladesh, Canada, China, France, Jamaica, Mali, the Netherlands, Russian Federation, Ukraine, United States	S/2000/886	S/2000/992 [and Corr. 1 (Chinese only)]	4216 <sup>th</sup> meeting on 3 November 2000  Issued S/PRST/2000/31
9-17 November 2000	East Timor and Indonesia	Namibia (Head of mission),	S/2000/103**	S/2000/1105	4228 <sup>th</sup> (private) meeting on 20 November 2000,

<sup>41</sup> The Council mission to the Democratic Republic of the Congo was authorized to visit Ethiopia and Eritrea following its visit to the Democratic Republic of the Congo and neighbouring States.

		Argentina, Malaysia, Tunisia, Ukraine, United Kingdom, United States			4236 <sup>th</sup> meeting on 28 November 2000, and 4244 <sup>th</sup> meeting on 6 December 2000  Issued S/PRST/2000/39
15-26 May 2001	Great Lakes region	France (Head of mission), China, Colombia, Ireland, Jamaica, Mali, Mauritius, Singapore, Tunisia, Ukraine, United Kingdom, United States	S/2001/408	S/2001/521, and Add.1	4323 <sup>rd</sup> (and resumption 1) meeting on 30 May 2001  Endorsed the report in preambular paragraph 14 of resolution 1355 (2001) on the Democratic Republic of the Congo
16-18 June 2001	Kosovo	Bangladesh (Head of mission), China, Colombia, France, Ireland, Jamaica, Mali, Mauritius, Norway, Russian Federation, Singapore, Tunisia, Ukraine, United Kingdom, United States	S/2001/482*	S/2001/600	4331 <sup>st</sup> meeting on 19 June 2001 and 4335 <sup>th</sup> meeting on 22 June 2001
21-25 February 2002	Eritrea and Ethiopia	Norway (Head of mission), Bulgaria, Cameroon, China, Colombia, France, Guinea, Ireland, Mauritius, Mexico, Russian Federation,	S/2002/129*	S/2002/205	4485 <sup>th</sup> meeting on 6 March 2002

		Singapore, Syrian Arab Republic, United Kingdom, United States			
27 April -7 May 2002	Great Lakes Region	France (Head of mission), Bulgaria, Cameroon, China, Colombia, Guinea, Ireland, Mauritius, Mexico, Norway, Russian Federation, Singapore, Syrian Arab Republic, United Kingdom, United States	S/2002/430	S/2002/537 and Add. 1	4532 <sup>nd</sup> meeting on 14 May 2002
13-17 December 2002	Kosovo and Belgrade, Federal Republic of Yugoslavia	Norway (Head of mission), Bulgaria, Cameroon, China, Colombia, France, Guinea, Ireland, Mauritius, Mexico, Russian Federation, Singapore, Syrian Arab Republic, United Kingdom, United States	S/2002/1271	S/2002/1376	4676 <sup>th</sup> meeting on 19 December 2002
7-16 June 2003	Central Africa	France (Head of mission), Angola, Bulgaria, Cameroon, Chile, China, Germany, Guinea, Mexico,	S/2003/558	S/2003/653	4775 <sup>th</sup> meeting on 18 June 2003 and 4794 <sup>th</sup> meeting on 25 July 2003  Issued S/PRST/2003/12

		Pakistan, Russian Federation, Spain, Syrian Arab Republic, United Kingdom, United States			
26 June -5 July 2003	West Africa	United Kingdom (Head of mission), Angola, Bulgaria, Cameroon, Chile, China, France, Germany, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic, United States	S/2003/525	S/2003/688	4785 <sup>th</sup> meeting on 9 July 2003 and 4794 <sup>th</sup> meeting on 25 July 2003  Issued S/PRST/2003/12
31 October- 7 November 2003	Afghanistan	Germany (Head of mission), Angola, Bulgaria, Cameroon, Chile, China, France, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic, United Kingdom, United States	S/2003/930*	S/2003/1074	4855 <sup>th</sup> meeting on 11 November 2003

## **B. 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.*

From 2000 to 2003, there were two cases falling under rule 1 when the Council meetings were not convened within the interval of 14 days: 19 days between the 4253<sup>rd</sup> meeting on 22 December 2000 and the 4254<sup>th</sup> (closed) meeting on 11 January 2001; and 19 days between the 4445<sup>th</sup> meeting on 21 December 2001 and the 4446<sup>th</sup> (closed) meeting on 10 January 2002.<sup>42</sup> However, no questions arose in the proceedings of the Council on this matter.

### **Rule 2**

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

### **CASE 1**

By a note verbale dated 20 September 2002,<sup>43</sup> addressed to the President of the Security Council, the representative of the Syrian Arab Republic informed the President of his delegation's support for the convening of an immediate meeting of the Security Council to consider the latest developments in the occupied Palestinian territories, as previously requested by the Chairman of the Arab Group.<sup>44</sup>

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<sup>42</sup> An interval of 20 days also occurred between the 4891<sup>st</sup> meeting on 22 December 2003 and the 4892<sup>nd</sup> meeting on 12 January 2004. For details, see the XV Supplement to the *Repertoire*.

<sup>43</sup> S/2002/1056.

<sup>44</sup> S/2002/1055.

At the Council's 4614<sup>th</sup> meeting held on 23 September 2002 in connection with the situation in the Middle East including the Palestinian question,<sup>45</sup> the representative of the Syrian Arab Republic, while thanking the President of the Security Council for convening the meeting, noted that "it was somewhat delayed".<sup>46</sup> He added that he "did not understand the delay, in view of the fact that the situation in the region is boiling".<sup>47</sup> The representative of Palestine also regretted the "unwarranted" delay in convening the meeting.<sup>48</sup>

### **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.*

During the period under review, there were no special instances of the application of rule 3.

### **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 2**

On the occasion of the Millennium Summit of the General Assembly, at its 4194<sup>th</sup> meeting on 7 September 2000, the Council also held a summit meeting<sup>49</sup> at the level of Heads of State or Government,<sup>50</sup> in order to discuss the need to ensure an effective role

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<sup>45</sup> S/PV.4614.

<sup>46</sup> Ibid., p. 18.

<sup>47</sup> Ibid..

<sup>48</sup> Ibid., p. 5.

<sup>49</sup> S/PV.4194. The decision to hold a summit meeting was announced to the media by a statement made by the President on 4 August 2000, which was issued as document S/2000/772.

<sup>50</sup> Fourteen members of the Council were represented at the level of the Heads of State or Government. One member was represented by its Minister for Foreign Affairs.

for the Council in the maintenance of international peace and security, particularly in Africa. This constituted the second such instance in the Council's history after the summit meeting held on 31 January 1992.<sup>51</sup> In his introductory comments, the President (Mali) stated that "this extraordinary meeting" was an opportunity for "providing the human, financial and material resources necessary" for the United Nations "more effectively to deal with conflict situation and to shoulder its incomparable responsibility to ensure and guarantee world peace."<sup>52</sup> During the course of the meeting, the representative of the Russian Federation stated that "in the new century it might be well to make more frequent use of high-level summit meetings - and not only at United Nations Headquarters in New York, but also at locations closer to the events the Council [was] dealing with."<sup>53</sup>

### CASE 3

The Council on four occasions designated its meetings to be at the ministerial level.<sup>54</sup> At numerous other meetings held during the period under review, the members of the Council were represented by Heads of State or Government or by representatives of ministerial rank.<sup>55</sup>

At the 4432<sup>nd</sup> meeting held on 30 November 2001,<sup>56</sup> in connection with the wrap-up discussion on the work of the Security Council for the month of November, a number of members<sup>57</sup> stressed the importance and usefulness of these high level meetings, stating that the Council should maintain the practice of meeting at ministerial level on occasion.

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<sup>51</sup> S/PV.3046. For details, see Chapter I, Case 5, of the Eleventh Supplement.

<sup>52</sup> S/PV.4194, p. 3.

<sup>53</sup> Ibid., p. 11.

<sup>54</sup> See 4413<sup>th</sup> meeting of 12 November 2001 on "Threats to international peace and security caused by terrorist acts" (attended by 15 ministerial-level representatives); 4607<sup>th</sup> meeting of 11 September 2002 on "High-level meeting of the Security Council on the anniversary of 11 September 2001: acts of international terrorism" (attended by 1 Head of State and Government and 13 ministerial-level representatives); 4688<sup>th</sup> meeting of 20 January 2003 on "High-level meeting of the Security Council: combating terrorism" (attended by 13 ministerial level representatives); and 4833<sup>rd</sup> meeting of 24 September 2003 on "Justice and the rule of law: the United Nations role" (attended by 11 ministerial-level representatives).

<sup>55</sup> See for instance the 4414<sup>th</sup> meeting held on 13 November 2001 on the situation in Afghanistan in which 12 Council members were represented by their Foreign Ministers; the 4460<sup>th</sup> meeting held on 29-30 January 2002 on the situation in Africa; and four meetings on the situation between Iraq and Kuwait in February and March 2003 (4701<sup>st</sup>, 4707<sup>th</sup>, 4714<sup>th</sup>, and 4721<sup>st</sup> meetings).

<sup>56</sup> S/PV.4432.

<sup>57</sup> S/PV.4432: Mauritius, p.3; Russian Federation, p. 4; Tunisia, p. 9; Ukraine, p. 16.

Others cautioned against regularizing ministerial level meetings.<sup>58</sup> The United Kingdom remarked, in particular, that the value of ministerial-level discussion was often that it was rare and gave a particular impetus to a particular subject at a particular time. Ireland also noted the risk of setting up a hierarchy of importance of Council meetings. The United States stated that since Security Council meetings at ministerial level represented an important instrument, its impact “should not [be] dilute[d]”.<sup>59</sup>

## **Part II**

### **REPRESENTATION AND CREDENTIALS (RULES 13-17)**

#### **NOTE**

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.

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<sup>58</sup> S/PV.4432: United Kingdom, p. 6; Ireland, p. 8; France, p.11; China, p.12; United States, p. 17.

<sup>59</sup> S/PV.4432, p. 17.

No special cases concerning the application of rules 13-17 occurred during the period under review.<sup>60</sup>

### **Part III**

#### **PRESIDENCY (RULES 18-20)**

##### **NOTE**

Part III of the present chapter deals with the proceedings of the Security Council directly related to the Office of the President of the Council. 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 were no special instances of the application 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; rule 19, which deals with the conduct of the presidency; and rule 20, which deals with the temporary cession of the chair by the President.

The members of the Council continued to use informal consultations of the whole 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 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 press statement, note or letter circulated as a Council document.<sup>61</sup>

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<sup>60</sup> See Chapter III for information related to invitations to and participation in the meetings of the Security Council.

<sup>61</sup> For all resolutions and decisions taken by the Council during the period under review, see Chapter 4.

During the period from 2000 to 2003, the President continued to perform acts outside meetings of the Council and informal consultations of the whole. He regularly briefed non-members, made statements and remarks to the press and held bilateral meetings with concerned parties. In June 2001, a Note by the President<sup>62</sup> was issued regarding communication and dissemination by the President and the Secretariat of Council decisions and statements to the press. Accordingly, the President was encouraged to continue to draw the attention of the representative(s) of the Member State(s) as well as regional organizations and arrangements concerned to relevant statements to the press made by the President on behalf of Council members or decisions of the Council.<sup>63</sup>

Furthermore, the President continued to represent the Council in various capacities in accordance with rule 19.<sup>64</sup>

During the period under review, the Council witnessed, *inter alia*, a number of procedural developments relating to the Office of the President. In November 2001, at the request of the President, a new presidential web site<sup>65</sup> was launched by the Secretariat.<sup>66</sup> It supplemented the web sites maintained by individual presidencies and was designed to provide easy access to up-to-date information on the Council's work and decisions.

With a view to promoting transparency and efficiency, in some instances, the Presidency outlined its objectives for the month in papers that were distributed to all Member States.<sup>67</sup> It was in November 2001 and May 2002 that the President's statements of objectives were first published as Security Council documents.<sup>68</sup> Similarly, in November 2000, a background paper prepared by the Presidency was circulated as an official document for the first time.<sup>69</sup> The paper dealt with the theme of "no exit without strategy", which was debated by the Council that month.<sup>70</sup> In addition,

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<sup>62</sup> S/2001/640.

<sup>63</sup> Since the issuance of the aforementioned Note, the President of the Security Council made 250 statements to the press on behalf of the Council, that were further issued as UN press releases.

<sup>64</sup> For instance, on a number of occasions, the President represented the Security Council before the General Assembly and its subsidiary bodies, ECOSOC and regional organizations.

<sup>65</sup> <http://www.un.org/docs/sc/presidency>

<sup>66</sup> See S/2002/603\*, p. 11. At the 4432<sup>nd</sup> meeting, Singapore and Mauritius spoke favourably about the newly launched website. At the 4616<sup>th</sup> meeting, Singapore stated that the website would allow non-Council Members to have quicker access to information related to the Security Council's work.

<sup>67</sup> See S/2002/603\*, p. 11.

<sup>68</sup> S/2001/1055 and S/2002/519, respectively.

<sup>69</sup> S/2000/1072.

<sup>70</sup> S/PV.4223.

during the period under review, the Presidency issued several summary papers following Council meetings<sup>71</sup> and, in December 2002, the Presidency issued non-paper containing guidelines for the forthcoming public wrap-up meeting.<sup>72</sup> There were also several occasions when the President made introductory and/or concluding remarks that were not made in his national capacity, or explicitly on behalf of the Council.<sup>73</sup>

Finally, January 2001 onwards,<sup>74</sup> outgoing Council Presidents started addressing to the current President of the Security Council brief assessments on the work of the Council for the month during which they presided, pursuant to the Note by the President of the Council dated 12 June 1997.<sup>75</sup> The above-mentioned assessments (see Table 2), also attached as an addendum to the Annual Report of the Security Council to the General Assembly, were prepared, by representatives who had completed their functions as President of the Security Council, under their own responsibility and following consultations with members of the Council.

**Table 2. Assessments on the work of the Security Council**

Month	Document	Presidency
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<sup>71</sup> See, for example: S/2002/607, S/2002/622, S/2003/705 and S/2003/1055.

<sup>72</sup> S/2002/1387.

<sup>73</sup> See, for example: S/PV.4257, S/PV.4272, S/PV.4308, S/PV.4309, S/PV.4439, S/PV.4474 and S/PV.4630 (res. 1).

<sup>74</sup> S/2002/685.

<sup>75</sup> S/1997/451.

December 2003	S/2004/609	Bulgaria
November 2003	S/2004/56	Angola
October 2003	S/2003/1221	United States
September 2003	S/2003/1046	United Kingdom
August 2003	S/2003/1120	Syrian Arab Republic
July 2003	S/2003/805	Spain
June 2003	S/2003/798	Russian Federation
May 2003	S/2003/826	Pakistan
April 2003	S/2003/763	Mexico
March 2003	S/2003/693	Guinea
February 2003	S/2003/432	Germany
January 2003	S/2003/212	France
December 2002	S/2003/77	Colombia
November 2002	S/2003/609	China
October 2002	S/2003/820	Cameroon
September 2002	S/2003/825	Bulgaria
August 2002	S/2002/1322	United States
July 2002	S/2002/937	United Kingdom
June 2002	S/2002/843	Syrian Arab Republic
May 2002	S/2002/685	Singapore
April 2002	S/2002/704	Russian Federation
March 2002	S/2002/663	Norway
February 2002	S/2002/753	Mexico
January 2002	S/2002/187	Mauritius
December 2001	S/2002/158	Mali
November 2001	S/2002/160	Jamaica
October 2001	S/2001/1298	Ireland
September 2001	S/2001/976	France
August 2001	S/2002/166	Colombia
July 2001	S/2002/493	China

June 2001	S/2001/757	Bangladesh
May 2001	A/56/2**	United States
April 2001	S/2001/596	United Kingdom
March 2001	S/2001/730	Ukraine
February 2001	S/2001/753	Tunisia
January 2001	S/2001/365	Singapore

## **Part IV**

### **SECRETARIAT (RULES 21-26)**

#### **NOTE**

Part IV relates to rules 21-26 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.<sup>76</sup> These rules reflect the provisions of Article 98 of the Charter in so far, as they concern the requirements of the Security Council. Instances where the Secretary-General was requested or authorized to carry out other functions are dealt with in Chapter VI (Relations with other United Nations organs).

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

## **PART V**

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<sup>76</sup> Under rule 24 the Secretary-General provides not only the required staff to service meetings of the Council, but also makes available staff for subsidiary organs of the Council both at Headquarters and in the field.

## CONDUCT OF BUSINESS (RULES 27-39)

### NOTE

Part V sets out the cases bearing on rules 27 and 29-36. Material relating to rule 28 can be found in Chapter V (Subsidiary organs of the Security Council), while material relating to rules 37-39 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 or issues 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 1-12)
- (b) Rule 33, on the suspension and adjournment of meetings (case 13).

During the period under review, there were no special instances of the application of rules 29, 30, 31, 32, 34, 35 and 36.

In relation to rule 27 of the provisional rules of procedure, the Security Council used a variety of means to facilitate determination of the order of speakers. These included preparation of lists of speakers prior to formal meetings as well as proceeding with an interactive dialogue with no pre-determined list. For the first time, the list of speakers prepared prior to meetings was sometimes determined by lots (case 4).

In a number of instances, Council members proceeded to the discussion of the item on the agenda without a pre-established list of speakers. In one case, a member of the Council voiced his complaint over this practice (case 6). In two instances, Council members agreed to allow the departing members of the Council to make their statements first (case 5).

In cases where a list of speakers is prepared prior to a meeting, members would theoretically have priority over non-members who, while able to indicate their desire to participate, should first be invited to the meeting. Therefore, in most cases, members of the Council did speak before non-members. However, flexibility has been shown by the Council in this regard. In one instance, a non-member voiced his regret over the practice

of Security Council members taking the floor before non-members (case 7). In another instance, one Council member expressed his regrets for the lack of transparency in the preparation of the list of speakers (case 8). In some cases, which are included here for illustrative purposes, non-members spoke first or interactively with members (cases 9, 10, 11 and 12). Finally, in one instance, one Council member made a joint statement with another Council member (case 13).

On various occasions, the President of the Council requested speakers to limit their statements to 5-10 minutes at public briefings and open debates in order “to enable the Council to carry out its work expeditiously” and “within its timetable”. The announcements in the Daily Journal concerning the 4709<sup>th</sup> meeting on the situation between Iraq and Kuwait<sup>77</sup> and the 4710<sup>th</sup> meeting on threats to international peace and security caused by terrorist acts,<sup>78</sup> for the first time, included text requesting speakers inscribed on the list to “limit their statements to no more than seven minutes”.<sup>79</sup>

In a number of meetings, the Presidency requested delegations with lengthy statements to circulate them in writing and to deliver condensed versions in the Chamber. In one instance, a number of speakers agreed to circulate their statements in writing in place of making an oral presentation (case 14). In one instance, the President of the Council called for focused and operational interventions (case 15).

As regards the application of rule 33, one case related to the adjournment of a meeting is included for illustrative purposes (case 16).

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, nor do they contain a provision for the “right of reply”.<sup>80</sup> However, in one instance, during the period under review, one representative made reference to the “right of reply”. At the resumption of the 4336<sup>th</sup> meeting held on 28 June 2001, in connection with the situation between Iraq and Kuwait,<sup>81</sup> the representative of

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<sup>77</sup> S/PV.4709.

<sup>78</sup> S/PV.4710.

<sup>79</sup> See Journal No. 2003/32 of 15 February 2003 and Journal No. 2003/34 of 20 February 2003 respectively.

<sup>80</sup> According to the practice of the Council, the terminology used is “to make a further statement”.

<sup>81</sup> S/PV.4336 (res. 1).

Iraq reserved his right “to respond to any right of reply”.<sup>82</sup> In another instance, a representative complained about the “right of reply” granted to another member. At the second resumption of the 4295<sup>th</sup> meeting held on 19 March 2001 in connection with the situation in the Middle East,<sup>83</sup> the representative of Palestine, referring to the second time the representative of Israel took the floor, inquired whether it was “an attempt to exercise the right of reply” or it was “the second statement by Israel during the same meeting of the Security Council”.<sup>84</sup>

During the period under review, the Council witnessed, *inter alia*, a number of procedural developments relating to the conduct of business. In 2002, the Council issued a Note by the President of the Security Council<sup>85</sup> by which it addressed the issue of seating arrangements for non-members of the Council invited to speak at its meetings. By this Note, the Council clarified that when non-members were invited to speak, they would be seated at the Council table on the alternate sides of the President, with the first speaker seated on the President’s right. In the same year, with a view to improving clarity and transparency, the Council also issued a Note by the President of the Security Council<sup>86</sup> by which it decided that the President would address speakers by name and title in public meetings.<sup>87</sup>

## **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 4**

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<sup>82</sup> S/PV.4336 (res. 1), p. 31.

<sup>83</sup> S/PV.4295 (res. 2).

<sup>84</sup> Ibid., p. 18.

<sup>85</sup> S/2002/591.

<sup>86</sup> S/2002/316.

<sup>87</sup> For a discussion which the Council had on its practice, procedure and working methods, including time management, see the report of the workshop for newly elected members of the Security Council which was held on 13 and 14 November 2003 (S/2004/135).

In November 2001, the President of the Security Council instituted a lottery system for determining the order of speakers for certain meetings. At the 4432<sup>nd</sup> meeting held on 30 November 2001 in connection with the wrap-up discussion on the work of the Security Council for the current month,<sup>88</sup> several delegations commented on this innovation introduced by the Jamaican Presidency. The representative of Singapore stated that this system created “regularity and predictability” and “made everyone feel that we have a level playing field when it comes to the selection of the speakers”. He added that it had also helped to improve the chemistry among the members by making them feel equally treated and not as “just belong[ing] to class A or class B within the Council”.<sup>89</sup>

The representative of Mali, concurring with the representative of Singapore, remarked to the President that he had succeeded in enhancing transparency in the work of the Council, particularly by organizing a drawing of lots for the list of speakers.<sup>90</sup> The representative of Mauritius expressed gratitude to the President for having tackled the very delicate issue of the speakers’ list and noted that the new system was working well and without complaint from members of the Council. He therefore hoped that “this practice will be continued under future presidencies”.<sup>91</sup> The representative of Ukraine expressed similar views, by commending the initiative and strongly encouraging future Presidents to continue the initiative.<sup>92</sup>

## CASE 5

At the 4445<sup>th</sup> meeting held on 21 December 2001, in connection with the wrap-up discussion on the work of the Security Council for the current month,<sup>93</sup> the representative of Singapore made a procedural suggestion at the beginning of the meeting, which was agreed upon by the other Council members. As a gesture of courtesy, he proposed to “allow the departing members of the Council to speak first, in alphabetical order”,

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<sup>88</sup> S/PV.4432.

<sup>89</sup> Ibid., p.13.

<sup>90</sup> Ibid., p.19.

<sup>91</sup> Ibid., p. 4.

<sup>92</sup> Ibid., p. 16.

<sup>93</sup> S/PV.4445.

followed by the other members in accordance with their desire to take the floor.<sup>94</sup> The Security Council agreed to the suggestion and, therefore, the debate continued accordingly.

Similarly, at the 4677<sup>th</sup> meeting held on 20 December 2002 in connection with the wrap-up discussion on the work of the Security Council for the current month,<sup>95</sup> the session began with statements by the representatives of the outgoing non-permanent members of the Security Council followed by statements of the representatives of other members of the Council. The order of both groups was determined by drawing lots, as explained in the letter dated 19 December 2002 from the representative of Colombia addressed to the President of the Security Council.<sup>96</sup>

## CASE 6

In a number of instances, no speakers' list was drawn up and the President invited participants who wished to speak to raise their hands.<sup>97</sup>

At the 4387<sup>th</sup> meeting held on 5 October 2001 in connection with Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999),<sup>98</sup> Ukraine recommended that the Council "get back to our system of drawing up lists of speakers, because today, as you rightly recognized, Mr. President, I was one of the first to raise my hand to be on the list; now I am the twelfth speaker".<sup>99</sup> He added that Ukraine reserved its right "to return to this issue during consultations on the working methods of the Council".<sup>100</sup> In response, the President (Ireland) stated that he was

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<sup>94</sup> Ibid., p. 2.

<sup>95</sup> S/PV.4677.

<sup>96</sup> S/2002/1387, p. 3.

<sup>97</sup> See, for example: S/PV.4308, S/PV.4309, S/PV.4310, S/PV.4350, S/PV.4351 (for Council members), S/PV.4361, S/PV.4367, S/PV.4379, S/PV.4380, S/PV.4387, S/PV.4392, S/PV.4394, S/PV.4395, S/PV.4403, S/PV.4424, S/PV.4429, S/PV.4432, S/PV.4466, S/PV.4568, S/PV.4598, S/PV.4616, S/PV.4631, S/PV.4736, S/PV.4762, S/PV.4812, S/PV.4834, S/PV.4838, S/PV.4851, S/PV.4865, S/PV.4869, S/PV.4876.

<sup>98</sup> S/PV.4387.

<sup>99</sup> Ibid., p. 18.

<sup>100</sup> Ibid..

“proceeding punctiliously on the basis of the speakers’ list provided by the Council secretariat”.<sup>101</sup>

## CASE 7

At the 4522<sup>nd</sup> meeting held on 26 April 2002 in connection with the situation in East Timor,<sup>102</sup> the Council extended a number of invitations under rules 37 and 39, including invitations under rule 39 to the President-elect of East Timor, Mr. Xanana Gusmão and to the Chief Minister of East Timor, Mr. Mari Bin Amude Alkatiri. The Council first heard a briefing from the Secretary-General and the Assistant Secretary-General for Peacekeeping Operations, followed by statements from Mr. Gusmão and Mr. Alkatiri. After all 15 members of the Council had spoken, the President (Russian Federation) noted that Mr. Gusmão would soon have to leave. Two non-members were then called upon to make their statements. Thereafter, the President called upon the representative of Australia, who regretted the arrangements made for non-members to speak, particularly given the contribution of his country in respect of East Timor. He expressed his concern for what he considered as “a less-than-appropriate opportunity” to participate in the Security Council debate concerning East Timor.<sup>103</sup>

## CASE 8

At the 4323<sup>rd</sup> meeting held on 30 May 2001 in connection with the situation in the Great Lakes region,<sup>104</sup> the representative of Singapore raised a procedural question, subsequently endorsed by Ireland and Mauritius, concerning the list of speakers which the President had referred to in his opening remarks.<sup>105</sup> He complained that the list of speakers had been established without his knowledge and contrary to the understanding reached by the Council in prior consultations to dispense with such a list. The representative expressed concern at the lack of transparency in the preparation of the list

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<sup>101</sup> Ibid., p. 19.

<sup>102</sup> S/PV.4522.

<sup>103</sup> Ibid., p. 31.

<sup>104</sup> S/PV.4323.

<sup>105</sup> Ibid., pp. 2-3.

of speakers, stating that there was “no level playing field for all members of the Council when it comes to speaking before the Council”.<sup>106</sup> He further expressed his hope that “this will be a useful signal to all members of the Council to ensure that, henceforth, when it comes to preparation of the speakers’ list, it will be done in an open, transparent fashion, with a level playing field for all”.<sup>107</sup> The President (United States) stated that the understanding reached by the Council at its prior consultations concerned the proposed nature of the meeting and the order of speakers; it did not include the question of whether or not there would be a list of speakers. The President, therefore, decided to follow the list of speakers he had before him and proceeded accordingly.

## CASE 9

At the 4257<sup>th</sup> meeting held on 16 January 2001 on strengthening cooperation with TCCs,<sup>108</sup> Council members departed from their customary practice of speaking before non-members. During the debate, which was held over two sessions, most TCCs spoke during the morning session. In the afternoon session, Council members spoke first, followed by the remaining TCCs. At the 4288<sup>th</sup> meeting held on 7 March 2001, on ensuring an effective role of the Security Council in the maintenance of international peace and security, particularly in Africa,<sup>109</sup> non-members spoke first. In his introductory remarks, the President stated that he would like “to draw particular attention to the decision taken by the Security Council to invite non-members of the Council to speak first”.<sup>110</sup> In a number of other instances, non-members were invited to speak first.<sup>111</sup>

## CASE 10

At the 4532<sup>nd</sup> meeting, on 14 May 2002 in connection with the situation in the Great Lakes region,<sup>112</sup> the President first called on the Head of the Security Council

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<sup>106</sup> Ibid., p. 3.

<sup>107</sup> Ibid..

<sup>108</sup> S/PV.4257 and S/PV.4257 (res. 1).

<sup>109</sup> S/PV.4288.

<sup>110</sup> Ibid., p. 2.

<sup>111</sup> See, for example: S/PV.4257, S/PV.4288, S/PV.4317, S/PV.4323, S/PV.4506, S/PV.4515, S/PV.4525, S/PV.4532, S/PV.4537, S/PV.4625 (res.1-3), S/PV.4630 and S/PV.4642.

<sup>112</sup> S/PV.4532.

mission to the Great Lakes region to brief the Council. The President then called upon the representative of Spain, who was not a member of the Security Council. Following the statement by the representative of Spain, the President noted that there “was some puzzlement among observers” when he gave the floor to a non-member of the Council to speak first. He explained that in prior consultation it was agreed that, after the briefing by the representative of France, he “would invite non-members of the Council to speak and then throw open the floor to Council members to respond or make additional comments”.<sup>113</sup> As a consequence, the President called upon four additional non-members before turning the floor to members of the Council.

## CASE 11

At the 4312<sup>th</sup> meeting held on 23 April 2001 in connection with the protection of civilians in armed conflicts,<sup>114</sup> the President dispensed with a pre-established list of speakers and called upon the briefers to respond to questions and comments as they arose, rather than at the end of the meeting. In particular he stated that “if questions are raised during the course of the debate, either to the Secretariat, the High Commissioner or each other, I will make arrangements for those questions to be taken up within a fairly short period of their being raised, so that we can get some interaction on points that are raised during the debate”.<sup>115</sup> During the 4424<sup>th</sup> meeting held on 21 November 2001 on the same item,<sup>116</sup> there was no fixed list of speakers. At that meeting, the Under-Secretary-General for Humanitarian Affairs was invited to respond to questions both during and at the conclusion of the meeting.

In a number of other instances, an interactive style of debate was occasionally utilized, with members and non-members being encouraged to ask and respond to questions during the course of the meeting.<sup>117</sup> For instance, at the 4453<sup>rd</sup> meeting held on

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<sup>113</sup> Ibid., p. 8.

<sup>114</sup> S/PV.4312.

<sup>115</sup> Ibid., p. 7.

<sup>116</sup> S/PV.4424.

<sup>117</sup> See, for example: S/PV.4308, S/PV.4424, S/PV.4429, S/PV.4358, S/PV.4470, S/PV.4538, S/PV.4552, S/PV.4568, S/PV.4577, S/PV.4589. In some cases, questions raised were answered by those who had provided the briefings on the issue before the speakers' list was exhausted. See, for instance: S/PV.4308, S/PV.4309, S/PV.4310, S/PV.4312, S/PV.4720.

18 January 2002 in connection to threats to international peace and security caused by terrorist acts,<sup>118</sup> Council members and non-members spoke in alternate order. Following briefings by the Secretary-General and the Counter-Terrorism Committee Chairman, the President gave the floor alternately to three members and three non-members and invited CTC Chairman to reply to questions or make comments after every six speakers.<sup>119</sup>

## CASE 12

At the 4087<sup>th</sup> meeting held on 10 January 2000 in connection with the impact of AIDS on peace and security in Africa,<sup>120</sup> following briefings by the Secretary-General, the President of the World Bank, the Administrator of the United Nations Development Programme, the Executive Director of the Joint United Nations Programme on HIV/AIDS and the representative of the United States,<sup>121</sup> the President of the Council opened the floor for discussion by the members of the Council. In this connection, he stated that “members of the Security Council will speak first. Then, because of the special nature of this meeting, any other Member of the United Nations that wishes to speak is so invited to do so”.<sup>122</sup> Following the statements made by the representatives of Namibia, Bangladesh and France, the President briefly consulted the Council on a procedural matter. He pointed out that that “under the rules of the Security Council, Ministers of Security Council members take precedence, and that is why we began with the Vice-President of the United States and the Minister of Namibia”.<sup>123</sup> He added that, although Security Council members had the right to speak before Ministers of other countries that were not members, he received several notes from the permanent representatives of African countries, requesting him “to break into the procedural order” and allow the Ministers of Health of Uganda and Zimbabwe to speak prior to the next scheduled

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<sup>118</sup> S/PV.4453.

<sup>119</sup> Similarly, at the 4429<sup>th</sup> meeting on 27 November 2001 in connection with the ICTY and ICTR, the Council first heard briefings by three representatives from the ICTY and ICTR, then statements from three non-members of the Council, followed by questions and comments from twelve Council members which were answered by the briefers. After the statements by non-members, the President stated that it had been agreed in prior consultations that “the format for the remainder of this meeting [would] take the form of an interactive dialogue. As a result, no list of speakers for members of the Council [had] been drawn up”. See S/PV.4429, p. 18.

<sup>120</sup> S/PV.4087.

<sup>121</sup> At the 4087<sup>th</sup> meeting, the United States was represented by its Vice-President.

<sup>122</sup> Ibid., p.12.

<sup>123</sup> Ibid., p. 18.

speakers. The Council therefore agreed to invite the Ministers from Uganda and Zimbabwe to take a seat at the Council's table and speak out of order.

### **CASE 13**

At the 4355<sup>th</sup> meeting, on 2 August 2001 in connection with small arms,<sup>124</sup> the representative of Norway informed the Council that Mali and Norway, both members of the Security Council, had a joint statement to make on the issue of small arms. Subsequently, the representative of Mali delivered the statement, stating that Norway and Mali attached high priority to the question of small arms on their foreign policy agendas and also shared the same positions on critical issues linked to it. He further emphasized that "this is the first time, to my knowledge, that such a procedure is being applied in the Security Council, and it is my honour today to speak also on behalf of Norway."<sup>125</sup>

### **CASE 14**

At the 4092<sup>nd</sup> meeting (resumption 2), held on 26 January 2000 to discuss the situation concerning the Democratic Republic of the Congo,<sup>126</sup> the President (United States) requested speakers to limit their statements, due to the large number of speakers inscribed and the time constraint. Hence, upon the President's request, several speakers, including one Council member,<sup>127</sup> decided to circulate their statements in writing, in lieu of making an oral statement. Of these nations, eight had received invitations to participate, one was a Council member and held the Presidency, and one (Cape Verde) had not received an invitation to participate.

### **CASE 15**

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<sup>124</sup> S/PV.4355.

<sup>125</sup> Ibid., p. 19.

<sup>126</sup> S/PV.4092 (res. 2).

<sup>127</sup> Brazil, Cape Verde, Colombia, Eritrea, India, Israel, Lesotho, Norway, Tanzania and the United States.

During the month of April 2001, the President (United Kingdom) circulated a note to all permanent and observer missions in which he elaborated certain guidelines,<sup>128</sup> on both form and substance, which might be followed in the forthcoming debate on the protection of civilians in armed conflicts. In particular, he requested delegations to consider preparing “focused and operational statements of no more than five minutes [...] clearly relevant to the issues arising from the Secretary-General’s report” on the subject.<sup>129</sup> At the 4312<sup>th</sup> meeting held on 23 April 2001 to discuss the protection of civilians in armed conflicts,<sup>130</sup> following briefings by the Deputy Secretary-General and the United Nations High Commissioner for Human Rights, the President suggested that any speaker could make arrangements with the Secretariat “to get their written speech into the record if they wish[ed] to shorten it in their oral remarks”.<sup>131</sup> Subsequently, two non-members<sup>132</sup> read out abridged versions of their respective statements, the full texts of which were circulated and recorded in full.<sup>133</sup> Several other members and non-members announced their intention to make interventions that were in conformity with the President’s guidelines.<sup>134</sup>

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<sup>128</sup> A revised version of these guidelines was subsequently circulated as a document of the Security Council (S/2001/596).

<sup>129</sup> Similarly, in a non-paper (S/2002/1387), the President stated that statements of Council members were expected to be brief (no more than 10 minutes), frank, focused and pointed, preferably on the issues outlined in the paper. Also the guidelines issued for the June private wrap-up meeting suggested a five-minute time limit on interventions (S/2002/701).

<sup>130</sup> S/PV.4312.

<sup>131</sup> *Ibid.*, p. 7.

<sup>132</sup> Malaysia and Sweden. See S/PV.4312 (res. 1), pp. 6 and 20.

<sup>133</sup> Similarly, at the 4370<sup>th</sup> meeting held on 12 September 2001 to discuss “Threats to international peace and security caused by terrorist acts”, the President announced that statements by 10 non-members would be subsequently circulated as annexes to a Note by the President (S/2001/864).

<sup>134</sup> In order to enable the Council to carry on its work more expeditiously, on various occasions, the Presidency asked speakers to limit their statements. See, for example: S/PV.4087 (res. 1), S/PV.4091, S/PV.4092 (res. 2), S/PV.4117, S/PV.4308, S/PV.4312, S/PV.4453, S/PV.4453 (res. 1), S/PV.4478, S/PV.4525, S/PV.4575, S/PV.4577, S/PV.4589, S/PV.4677, S/PV.4688, S/PV.4701, S/PV.4707, S/PV.4709, S/PV.4709 (res. 1), S/PV.4710, S/PV.4714, S/PV.4717, S/PV.4717 (res. 1), S/PV.4720, S/PV.4720 (res. 1), S/PV.4721, S/PV.4726, S/PV.4726 (res. 1), S/PV.4734, S/PV.4739, S/PV.4744, S/PV.4748, S/PV.4792, S/PV.4823, S/PV.4824 (res. 1), S/PV.4833, S/PV.4835, S/PV.4852. At the 4739<sup>th</sup> meeting, a complex formula of time-limits was proposed. The Secretary-General and representatives of regional organizations were requested to limit their statements to between seven and ten minutes, members of the Council to between three and five minutes, followed by a response from representatives of regional organizations of three to five minutes (S/PV.4739, p. 3). At the 4726<sup>th</sup> meeting, the President, noting that a large number of speakers were inscribed on the list, asked representatives to “refrain from congratulating the President” on his assumption of the Presidency (S/PV.4726, p. 12). At the 4709<sup>th</sup> meeting, the President introduced a time-saving seating arrangement by which he did not invite individual speakers to take seats at

### **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;*
- 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 16**

At the 4820<sup>th</sup> meeting held on 9 September 2003 in connection with letters dated 20 and 23 December 1991 from France, the United Kingdom and the United States (bombing of Pan Am flight 103 over Lockerbie),<sup>135</sup> the President noted the presence of families and friends of those who had lost their lives on flight 103. After remarking that the Security Council was “moving towards a resolution of this terrible affair,” he stated that the Security Council, in considering the agenda before it, was also conscious of two factors: “first, that the Council, in a matter of this gravity, need[ed] to act unanimously; and secondly, that there were other very legitimate concerns pertaining to Libya which still need[ed] resolution”. Therefore, on the basis of the understanding reached in prior consultations, the President invoked article 33 of the Council’s provisional rules of procedures and proposed “the adjournment of this meeting until 10:30 a.m. Friday, 12 September 2003, in the expectation that the agenda we have adopted today will be the

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the Council table, nor invited them to resume their seats at the side of the Council Chamber. When a speaker was taking the floor, a conference officer seated the next speaker on the list at the table and the President refrained from thanking the speakers for their statements at the conclusion of statements (S/PV.4709, p. 3). This ‘time-saving’ seating arrangement was applied also at the 4710<sup>th</sup>, 4717<sup>th</sup> (res. 1), 4726<sup>th</sup>, 4792<sup>nd</sup>, 4836<sup>th</sup>, 4841<sup>st</sup>, 4877<sup>th</sup> (res. 1), 4881<sup>st</sup> meetings.

<sup>135</sup> S/PV.4820.

agenda before us on Friday”.<sup>136</sup> The procedural motion was put to the vote and carried unanimously. The meeting, which had been called to order at 2:35 p.m., was adjourned at 2:40 p.m.

## **PART VI**

### **LANGUAGES (RULES 41-47)**

#### **NOTE**

During the period under review, there were no special cases concerning the application of rules 41-47. There was one instance when rule 44 was applied and it is included for illustrative purpose (case 1).

#### **SPECIAL CASES CONCERNING THE APPLICATION OF RULES 41-47**

##### **Rule 44**

*“Any representative may make a speech in a language other than the languages of the Security Council. In this case, he shall himself provide for interpretation into one of those languages. Interpretation into the other languages of the Security Council by the interpreters of the Secretariat may be based on the interpretation given in the first such language”.*

At its 4661<sup>st</sup> meeting held on 12 December 2002 in connection with the situation in Bosnia and Herzegovina,<sup>137</sup> the Council heard briefings from the three members of the Presidency of Bosnia and Herzegovina who spoke in, respectively, Serbian, Croatian and Bosnian. Interpretation from each language into English was provided by the delegation of the State.

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<sup>136</sup> Ibid., p. 2.

<sup>137</sup> S/PV.4661.

## **PART VII**

### **PUBLICITY OF MEETINGS, RECORDS (RULES 48-57)**

#### **NOTE**

During the period under review, there were no special instances of the application of rules 48-57.

In addition to official records and documents as established by Chapter IX of the provisional rules of procedure, the Council has availed itself of other means to publicize its meetings and work. For instance, during the period under review, the President regularly briefed non-members and media, made statements and remarks to the press.<sup>138</sup>

Recognizing the importance of timely, full and effective dissemination of its decisions and presidential statements, the Council on 29 June 2001 issued a note by the President<sup>139</sup> stipulating that: (i) the President of the Security Council should, when requested by the Council members, draw the attention of the concerned parties to relevant Council decisions and press statements; (ii) the Secretariat should continue to bring to the knowledge of those concerned relevant Council decisions and press statements and ensure their promptest communication and widest possible dissemination; and (iii) the Secretariat should issue, as United Nations press releases, all press statements made by the President on behalf of the Council, upon clearance by the President.

With a view to increasing the transparency and clarity of its work, during the period under review, the Council also addressed the issue of distribution of documents. On 31 March 2000, the Council issued a note by the President of the Security Council<sup>140</sup>

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<sup>138</sup> See the introductory note of the section on Presidency in the present chapter.

<sup>139</sup> S/2001/640.

<sup>140</sup> S/2000/274.

to address the difficulties and disruption caused by the collection of copies of statements from outside the Council Chamber. The note stipulated two main arrangements for the distribution of statements: (i) texts of statements made in the meetings of the Council should, at the request of the delegation making the statement, be distributed by the Secretariat inside the Council Chamber to Council members and other Member States and permanent observers to the United Nations present at the meeting; (ii) any delegation requesting the distribution of its statement should provide at least 200 copies to the Secretariat sufficiently in advance of the statement being made, without making the statements otherwise available during the meeting. In case a delegation provided to the Secretariat fewer than 200 copies of its statement, those copies should be placed outside the Council Chamber at the end of the meeting.

Furthermore, with a view to facilitating understanding by the press regarding its work, the Council issued a note by the President of the Security Council<sup>141</sup> by which it stipulated, among others, that the report by the Secretary-General should specify the date on which the document was physically and electronically distributed in addition to the date of signature by the Secretary-General. It also added that the Secretariat was encouraged, to the extent possible, to distribute its reports in all official languages on the date originally established for publication.

Finally, in November 2001, a new presidential web site<sup>142</sup> was launched by the Secretariat to provide easy access to up-to-date information on the Council's work and decisions.<sup>143</sup> Moreover, at the initiative of the President, the Council held its first live webcast in January 2002. Towards the conclusion of the 4460<sup>th</sup> (resumption 1) meeting held on 29 January 2002 to discuss the situation in Africa,<sup>144</sup> the President informed members that "the Secretariat has confirmed that the live webcast of the Council's proceedings on this particular item will also be provided tomorrow".<sup>145</sup>

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<sup>141</sup> S/2002/316.

<sup>142</sup> <http://www.un.org/docs/sc/presidency>

<sup>143</sup> See the introductory Note of the section of Presidency in the present chapter.

<sup>144</sup> S/PV.4460 (res. 1).

<sup>145</sup> Ibid., p. 42.