
Part II

Provisional rules of procedure and related procedural developments

Contents

	<i>Page</i>
Introductory note	264
I. Meetings and records	266
Note	266
A. Meetings	270
B. Informal consultations of the whole	278
C. Other informal meetings	280
D. Records	283
II. Agenda	283
Note	283
A. Adoption of the agenda (rule 9)	284
B. Matters of which the Security Council is seized (rules 10 and 11)	287
C. Discussions concerning the agenda	296
III. Representation and credentials	297
IV. Presidency	298
Note	298
The role of the President of the Security Council (rules 18 and 19)	298
V. Secretariat	299
Note	299
Administrative functions of the Secretariat (rules 21-26)	299
VI. Conduct of business	301
Note	301
Discussions relating to the order of speaking	302
VII. Participation	303
Note	303
A. Invitations under rule 37 (States Members of the United Nations)	303
B. Invitations under rule 39 (members of the Secretariat or other persons)	304
C. Invitations not expressly extended under rule 37 or rule 39	308
D. Discussions relating to participation	309
VIII. Decision-making and voting	311
Note	311
A. Decisions of the Security Council in 2008 and 2009	312

B.	Sponsorship in accordance with rule 38	314
C.	Decision-making by voting	320
D.	Decision-making without a vote	322
E.	Discussions concerning the decision-making process	323
IX.	Languages	325
X.	Provisional status of the rules of procedure	326
	Note	326
	Discussions concerning the provisional status of the rules of procedure	326

Introductory note

Part II covers the practice of the Security Council in relation to its provisional rules of procedure and relevant Articles of the Charter of the United Nations. Since the rules, complemented by established practice, are routinely applied by the Council at its formal meetings, part II is more focused on deviations from or special applications of the rules in the proceedings of the Council than on the standard applications of the rules.

The arrangement of the present part follows the order of the relevant chapters of the provisional rules of procedure: section I covers meetings (Article 28 of the Charter and rules 1-5) and records (rules 48-57); section II covers the agenda (rules 6-12); section III, representation and credentials (rules 13-17); section IV, the presidency (rules 18-20); section V, the Secretariat (rules 21-26); section VI, conduct of business (rules 27, 29, 30 and 33); section VII, participation (rules 37 and 39); section VIII, decision-making and voting (Article 27 of the Charter and rules 31 and 32, 34-36, 38 and 40); section IX, languages (rules 41-47); and section X, provisional status of the rules of procedure (Article 30). The remaining rules are dealt with in other parts as follows: rule 28 concerning subsidiary organs of the Council is covered in parts IX and X; rules 58-60 concerning admission of new members, in part IV (although no material relating to these rules has been included in the present Supplement, as there were no instances of their application during the period under review); and rule 61 regarding relations with other United Nations organs, in part IV.

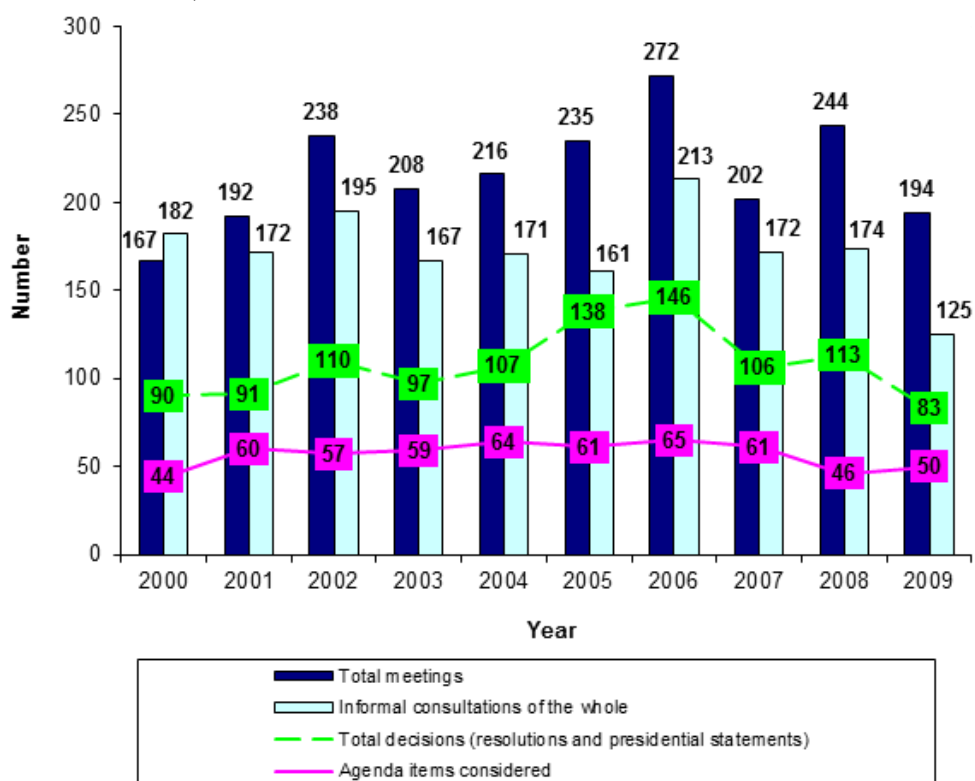
During the two-year period from 2008 to 2009, the Council held a total of 438 meetings, adopted 113 resolutions and 83 presidential statements and discussed 55 agenda items, evenly divided between country-specific and regional situations and general and thematic issues. The Council held one summit meeting in 2009 on the issue of nuclear non-proliferation and nuclear disarmament¹ and continued its practice of adopting most of its resolutions unanimously; only 2 out of 115 draft resolutions were not adopted by consensus owing to the negative vote of a permanent member.²

During the 10-year period from 2000 to 2009, in 2009 the Council held the lowest number of informal consultations of the whole and adopted the smallest number of resolutions and presidential statements combined. In terms of the number of agenda items considered at meetings per year, the period under review saw a significant drop compared to the prior seven-year period (2001-2007), during which the Council had introduced a number of items related to meetings with troop-contributing countries (see figure I).

¹ 6191st meeting, held on 24 September 2009, under the item entitled "Maintenance of international peace and security".

² [S/2008/447](#) and [S/2009/310](#).

Figure I
Number of meetings, informal consultations of the whole, decisions and items considered, 2000-2009



On 27 August 2008 the Council held a debate concerning its working methods, which was the first such debate since 1994,³ under a new item entitled “Implementation of the note by the President of the Security Council (S/2006/507)”. Furthermore, as an outcome of its discussions in the Informal Working Group on Documentation and Other Procedural Questions held during the course of 2008, the Council, by a note by the President dated 31 December 2008,⁴ modified the format of the summary statement of matters of which it was seized and of the stage reached in their consideration, as well as the procedure to delete items from the summary statement.

During the period 2008-2009, the Council’s procedures and working methods continued to evolve. A noteworthy example was the Council’s continuing efforts to streamline its agenda.⁵ By, for example, combining all items concerning meetings with countries contributing troops to specific missions under one general item, and utilizing existing items, such as “Peace and security in Africa” and “Peace consolidation in West Africa”, for discussion of specific country situations in the region, the Council significantly reduced the number of newly introduced items, to one item per year.

³ 3483rd meeting, held on 16 December 1994, under the item entitled “Security Council working methods and procedure”.

⁴ S/2008/847.

⁵ See S/2006/507, para. 2.

I. Meetings and records

Note

The present section covers the practice of the Security Council concerning meetings, publicity and records, in relation to Article 28 of the Charter of the United Nations and rules 1 to 5 and 48 to 57 of the provisional rules of procedure of the Council.

Article 28

1. *The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.*

2. *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.*

3. *The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.*

Rule 1

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

Rule 2

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

Rule 3

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

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.

Rule 5

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

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

Rule 48

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

Rule 49

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

Rule 50

The representatives of the States which have participated in the meeting shall, within two working days after the time indicated in rule 49, inform the Secretary-General of any corrections they wish to have made in the verbatim record.

Rule 51

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

Rule 52

Corrections that have been requested shall be considered approved unless the President is of the opinion that they are sufficiently important to be submitted to the representatives on the Security Council. In the latter case, the representatives on the Security Council shall submit within two working days any comments they may wish to make. In the absence of objections in this period of time, the record shall be corrected as requested.

Rule 53

The verbatim record referred to in rule 49 or the record referred to in rule 51, in which no corrections have been requested in the period of time required by rules 50 and 51, respectively, or which has been corrected in accordance with the provisions of rule 52, shall be considered as approved. It shall be signed by the President and shall become the official record of the Security Council.

Rule 54

The official record of public meetings of the Security Council, as well as the documents annexed thereto, shall be published in the official languages as soon as possible.

Rule 55

At the close of each private meeting the Security Council shall issue a communiqué through the Secretary-General.

Rule 56

The representatives of the Members of the United Nations which have taken part in a private meeting shall at all times have the right to consult the record of that meeting in the office of the Secretary-General. The Security Council may at any time grant access to this record to authorized representatives of other Members of the United Nations.

Rule 57

The Secretary-General shall, once each year, submit to the Security Council a list of the records and documents which up to that time have been considered confidential. The Security Council shall decide which of these shall be made available to other Members of the United Nations, which shall be made public, and which shall continue to remain confidential.

During the two-year period 2008-2009, the Council held a total of 438 meetings,⁶ including one high-level meeting on 24 September 2009 concerning nuclear non-proliferation and nuclear disarmament.⁷ The number of meetings (244, including 27 private meetings) held in 2008 was the second highest during the 10-year period from 2000 to 2009 (see figure II).

Members of the Council, during the reporting period, also met 299 times in informal consultations of the whole, and in other informal settings such as Arria formula meetings and informal dialogues, in line with its past practice. For various formats of Security Council meetings, see table 1.

⁶ Resumptions are not included as separate meetings.

⁷ 6191st meeting.

Figure II
Public and private meetings and informal consultations of the whole: 2000-2009

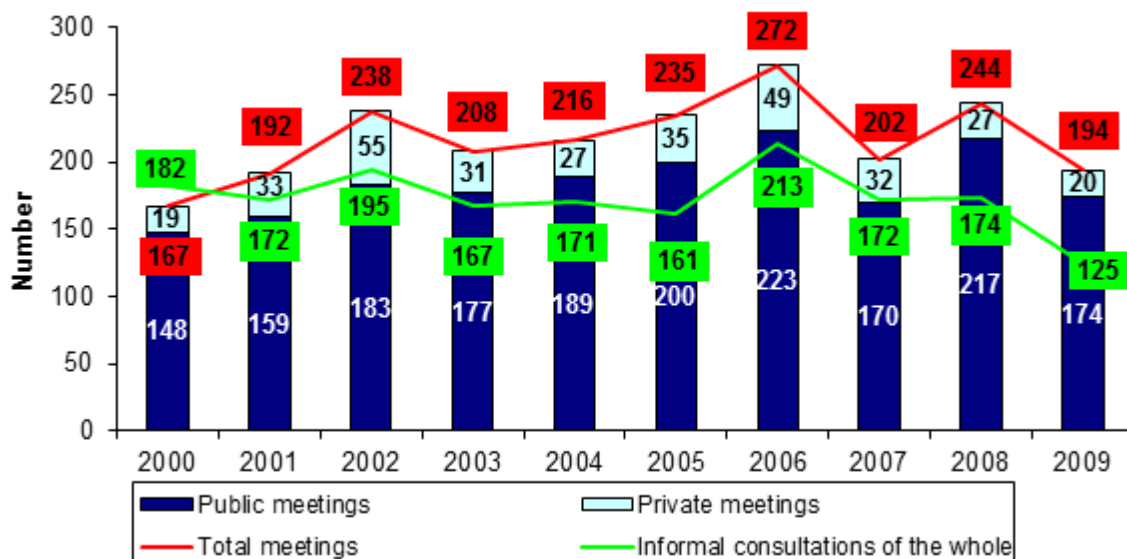


Table 1
Formats of Security Council meetings^a

Type of meeting	Participation of non-members of the Council ^b in the discussion	Briefing by the Secretariat	Official records	Venue
Meetings of the Security Council^c				
Public meetings				
Open debate	Non-members may be invited to participate in the discussion upon their request	May be conducted	Published	Security Council Chamber
Debate	Non-members that are directly concerned or affected or have special interest in the matter under consideration may be invited to participate in the discussion upon their request	May be conducted		
Briefing	Only Council members may deliver statements following briefings	Conducted		
Adoption	Non-members may or may not be invited to participate in the discussion upon their request	None		
Private meetings^d	Non-members may be invited to participate in the discussion upon their request	May be conducted	Made in a single copy only and kept by the Secretary-General	Security Council Chamber

<i>Type of meeting</i>	<i>Participation of non-members of the Council^b in the discussion</i>	<i>Briefing by the Secretariat</i>	<i>Official records</i>	<i>Venue</i>
Meetings with troop-contributing countries	Parties prescribed in resolution 1353 (2001) are invited to participate in the discussion, in accordance with the resolution	May be conducted		Economic and Social Council Chamber, Trusteeship Council Chamber or conference room
Meetings of members of the Security Council				
Informal consultations of the whole^e	Non-members not invited	May be conducted	None	Security Council Consultations Room
Informal dialogue^f	By invitation only	May or may not be conducted	None	Conference room
Arria formula meeting^g	By invitation only	Usually not conducted	None	Conference room or permanent mission of Security Council member

Source: United Nations, in cooperation with the Permanent Mission of Japan to the United Nations, *The Security Council Working Methods Handbook*, annex 3 (Sales No. E.11.VII.1).

^a The table is drawn mainly from the annex to the note by the President of the Security Council ([S/2010/507](#)), and shows only the types of meetings that are identified in the annex.

^b Any State Member of the United Nations which is not a member of the Security Council, whether participating by its own request or invited by the Council, is invited to formal meetings of the Council pursuant to rule 37 of its provisional rules of procedure. Members of the Secretariat or other persons participating in a formal meeting of the Council are invited pursuant to rule 39.

^c [S/2010/507](#), annex, para. 36.

^d Closed to the public; States Members of the United Nations that are not members of the Council may be invited to be present.

^e [S/2010/507](#), annex, paras. 20-27.

^f *Ibid.*, para. 59.

^g *Ibid.*, para. 65.

On the basis of the practice relating to meetings, including their formats during the period under review, section I includes four main subsections: (a) meetings, which contains material related to applications of rules 1-5, high-level meetings and the format of

meetings in relation to rule 48; (b) informal consultations of the whole; (c) other informal meetings; and (d) records, which are maintained in accordance with rules 49-57. Two case studies are also included in this section.

A. Meetings

1. Application of rules related to meetings

Below examines the application of rules 1 to 5 of the provisional rules of procedure concerning meetings of the Security Council. During the period under review, there were no special instances in which the Council applied rule 4 concerning periodic meetings or rule 5 concerning meetings held away from Headquarters, nor did any discussion take place concerning the interpretation of rules 1 to 5.

(a) Interval between meetings (rule 1)

During the period under review, the Council continued to function without intervals between its meetings exceeding 14 days, as provided for in the provisions in rule 1. The longest interval was of 12 days

between the last meeting in 2007 (5816th meeting on 27 December 2007) and the first meeting in 2008 (5817th meeting on 9 January 2008).

(b) Meetings requested in accordance with rules 2 and 3

In 2008 and 2009, among the numerous communications from Member States requesting the Council to convene a meeting, nine communications explicitly cited rule 2 or rule 3 as the basis for the request⁸ (see table 2).

⁸ For more information, see part VI, sect. I, with regard to referrals of disputes or situations to the Security Council within the framework of Articles 11 (3), 35 and 99 of the Charter.

Table 2

Letters from Member States citing rule 2 or 3 in requesting a meeting, 2008-2009

<i>Letter addressed to the President of the Council</i>	<i>Summary</i>	<i>Meeting on basis of request</i>	<i>Item</i>
Letter dated 12 February 2008 from the representative of the Russian Federation (S/2008/93)	In accordance with rule 2, requesting an urgent meeting on 14 February 2008, to consider the dangerous developments in Kosovo (Serbia) caused by the preparatory activities of the provisional institutions of self-government for a unilateral declaration of independence	5835th (closed) 14 February 2008	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
Letter dated 17 February 2008 from the representative of the Russian Federation (S/2008/104)	In accordance with rule 2, requesting an emergency public meeting on 18 February 2008, in view of the dangerous situation with grave damaging consequences for peace and security in the Balkans, norms and principles of international law and, in particular, of the Charter	5839th 18 February 2008	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
Letter dated 7 August 2008 from the representative of the Russian Federation (S/2008/533)	In accordance with rule 2, requesting an emergency meeting on 7 August 2008 to consider the aggressive actions of Georgia against South Ossetia, an internationally recognized party to the conflict	5951st 8 August 2008	The situation in Georgia

<i>Letter addressed to the President of the Council</i>	<i>Summary</i>	<i>Meeting on basis of request</i>	<i>Item</i>
Letter dated 10 August 2008 from the representative of the United States (S/2008/538)	Pursuant to rule 2, requesting an emergency meeting on the morning of 10 August 2008, to address the escalation of violence in Georgia	5953rd 10 August 2008	The situation in Georgia
Letter dated 19 August 2008 from the representative of France (S/2008/561)	Pursuant to rule 2, requesting an emergency meeting on 19 August 2008 on the situation in Georgia	5961st 19 August 2008	The situation in Georgia
Letter dated 27 December 2008 from the representative of the Libyan Arab Jamahiriya (S/2008/815)	In accordance with rule 2, requesting an urgent meeting to discuss the criminal aggression by the Israeli occupation forces against the Palestinian people, which resulted in hundreds of deaths and casualties among the innocent civilians in the besieged Gaza Strip	No meeting was convened	The situation in the Middle East, including the Palestinian question
Letter dated 31 December 2008 from the representative of the Libyan Arab Jamahiriya (S/2008/843)	Pursuant to the letter dated 27 December 2008 (S/2008/815), and in accordance with rule 2, requesting an urgent meeting to discuss the criminal aggression by the Israeli occupation forces against the Palestinian people, which resulted in hundreds of deaths and casualties among the innocent civilians in the besieged Gaza Strip	6060th 31 December 2008	The situation in the Middle East, including the Palestinian question
Letter dated 22 September 2009 from the representative of Brazil (S/2009/487)	In the light of the recent developments in Honduras regarding the safety of the constitutional President of Honduras, José Manuel Zelaya Rosales, and the security of the Embassy of Brazil in Tegucigalpa, and in accordance with Article 35 (1) of the Charter and rule 3, requesting an urgent meeting to inform Council members of the current situation related to the presence of President Zelaya in the Embassy of Brazil in order to prevent any action that might further aggravate the situation	6192nd 25 September 2009	Letter dated 22 September 2009 from the Permanent Representative of Brazil to the United Nations addressed to the President of the Security Council (S/2009/487)
Letter dated 6 October 2009 from the representative of the Libyan Arab Jamahiriya (S/2009/510)	In accordance with rule 2, requesting an urgent meeting to discuss the report of the United Nations Fact-Finding Mission on the Gaza Conflict led by Justice Richard Goldstone	No meeting was convened	The situation in the Middle East, including the Palestinian question

2. High-level meetings

In 2008 and 2009, the Council held 12 high-level meetings⁹ at which five or more Council members were represented at the ministerial or higher level. Of

the 12 meetings, one high-level meeting was held on 24 September 2009 on the subject of nuclear non-proliferation and nuclear disarmament, under the item entitled “Maintenance of international peace and security”¹⁰ (see table 3).

⁹ For the present study, any meeting with five or more Council members represented at the ministerial or higher level was considered a high-level meeting.

¹⁰ See S/PV.6191.

Table 3
High-level meetings held in 2008 and 2009

<i>Meeting and date</i>	<i>Item</i>	<i>High-level participation</i>
5868 16 April 2008	Peace and security in Africa Letter dated 8 April 2008 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General (S/2008/229) Report of the Secretary-General on the relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security (S/2008/186) Report of the Secretary-General on the implementation of Security Council resolution 1625 (2005) on conflict prevention, particularly in Africa (S/2008/18)	Council members (9) Heads of State and Government (3). Italy (Prime Minister), South Africa (President), United Kingdom (Prime Minister) Ministerial level (6). Belgium (Special Envoy of the Ministry for Foreign Affairs), Burkina Faso (Minister for Foreign Affairs and Regional Cooperation), China (Special Envoy of the President), France (Secretary of State for Foreign Affairs and Human Rights), Indonesia (Minister for Foreign Affairs), Viet Nam (Special Envoy of the President) Non-members (19) Heads of State and Government (4). Côte d’Ivoire (President), Democratic Republic of the Congo (President), Somalia (President), United Republic of Tanzania (President) Ministerial level (15). Algeria (former Prime Minister and Personal Representative of the President), Angola (Minister for Foreign Affairs), Botswana (Vice President), Central African Republic (Minister for Foreign Affairs), Egypt (Deputy Minister for Foreign Affairs and Special Envoy of the President), Ethiopia (Prime Minister), Gabon (Minister for Foreign Affairs, Cooperation, Francophonie and Regional Integration), Liberia (Minister for Foreign Affairs), Nigeria (Minister for Foreign Affairs and Envoy of the President), Rwanda (Minister for Foreign Affairs), Senegal (Minister for Foreign Affairs), Sierra Leone (Minister for Foreign Affairs), Sudan (Special Envoy and Adviser to the President), Swaziland (Minister of Finance), Zambia (Minister for Home Affairs and Special Envoy)

<i>Meeting and date</i>	<i>Item</i>	<i>High-level participation</i>
5895 20 May 2008	Post-conflict peacebuilding Letter dated 2 May 2008 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2008/291)	Council members (6) Ministerial level (6). Belgium (Deputy Minister for Foreign Affairs), Croatia (Minister for Foreign Affairs and European Integration), France (Secretary of State for Foreign Affairs and Human Rights), Indonesia (Secretary-General of Department of Foreign Affairs), South Africa (Minister of Defence), United Kingdom (Secretary of State for Foreign and Commonwealth Affairs) Non-members (4) Ministerial level (4). Bosnia and Herzegovina (Chairman of the Council of Ministers), Netherlands (Minister for Foreign Affairs), Sierra Leone (Minister for Foreign Affairs and International Cooperation), Spain (Minister for Foreign Affairs and Cooperation)
5916 19 June 2008	Women and peace and security Letter dated 4 June 2008 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General (S/2008/364)	Council members (9) Ministerial level (9). Belgium (Minister for Development Cooperation), Burkina Faso (Minister for Foreign Affairs and Regional Cooperation), China (Special Envoy of the Minister for Foreign Affairs), Croatia (Vice Prime Minister and Minister of the Family, Veterans Affairs and Intergenerational Solidarity), France (Secretary of State for Foreign Affairs and Human Rights), Italy (Under-Secretary of State for Foreign Affairs), South Africa (Minister for Foreign Affairs), United Kingdom (Attorney General for England and Wales), United States (Secretary of State) Non-members (2) Ministerial level (2). Democratic Republic of the Congo (Minister of Gender, Family and Child), Liberia (Minister for Foreign Affairs)
5979 23 September 2008	Maintenance of international peace and security Mediation and settlement of disputes Letter dated 3 September 2008 from the Permanent Representative of Burkina Faso to the United Nations addressed to the Secretary-General (S/2008/590)	Council members (10) Heads of State and Government (3). Burkina Faso (President), Panama (President), Croatia (Prime Minister) Ministerial level (7). Belgium (Minister for Foreign Affairs), France (Minister for Foreign Affairs), Indonesia (Minister for Foreign Affairs), Italy (Minister for Foreign Affairs), Russian Federation (Deputy Minister for Foreign Affairs), South Africa (Minister for Foreign Affairs), United Kingdom (Minister of State for Africa, Asia and United Nations Affairs)

<i>Meeting and date</i>	<i>Item</i>	<i>High-level participation</i>
5983 26 September 2008	The situation in the Middle East, including the Palestinian question Letter dated 22 September 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the Security Council	Council members (10) Ministerial level (10). Belgium (Minister for Foreign Affairs), Costa Rica (Minister for Foreign Affairs), Croatia (Minister for Foreign Affairs), France (Minister for Foreign Affairs), Indonesia (Minister for Foreign Affairs), Italy (Minister for Foreign Affairs), Russian Federation (Deputy Minister for Foreign Affairs), South Africa (Minister for Foreign Affairs), United Kingdom (Secretary of State for Foreign and Commonwealth Affairs), United States (Secretary of State) Non-members (2) Heads of State and Government (1). Palestine (President of the Palestinian National Authority) Ministerial level (1). Saudi Arabia (Minister for Foreign Affairs)
6045 16 December 2008	The situation in the Middle East, including the Palestinian question	Council members (5) Heads of State and Government (1). Croatia (Prime Minister) Ministerial level (4). China (Vice Minister for Foreign Affairs), Russian Federation (Minister for Foreign Affairs), United Kingdom (Secretary of State for Foreign and Commonwealth Affairs), United States (Secretary of State)
6046 16 December 2008	The situation in Somalia	Council members (5) Heads of State and Government (1). Croatia (Prime Minister) Ministerial level (4). China (Vice Minister for Foreign Affairs), Russian Federation (Minister for Foreign Affairs), United Kingdom (Secretary of State for Foreign and Commonwealth Affairs), United States (Secretary of State) Non-members (3) Ministerial level (3). Greece (Deputy Minister for Defence), Japan (Parliamentary Vice-Minister for Foreign Affairs), Somalia (Minister of Foreign Affairs and International Cooperation)
6061 6 January 2009	The situation in the Middle East, including the Palestinian question	Council members (7) Ministerial level (7). Austria (Federal Minister for European and International Affairs), France (Minister for Foreign and European Affairs), Libyan Arab Jamahiriya (Secretary of the General People's Committee for Foreign Liaison and International Cooperation), Russian Federation (Deputy Minister for Foreign Affairs), Turkey (Minister for Foreign Affairs), United Kingdom (Secretary of State for Foreign and Commonwealth Affairs), United States (Secretary of State)

<i>Meeting and date</i>	<i>Item</i>	<i>High-level participation</i>
		<p>Non-members (8)</p> <p>Heads of State and Government (1). Palestine (President of the Palestinian Authority)</p> <p>Ministerial level (7). Egypt (Minister for Foreign Affairs), Jordan (Minister for Foreign Affairs), Lebanon (Minister for Foreign Affairs), Morocco (Minister for Foreign Affairs), Norway (Minister for Foreign Affairs), Qatar (Minister of State for Foreign Affairs), Saudi Arabia (Minister for Foreign Affairs)</p>
6063 8 January 2009	The situation in the Middle East, including the Palestinian question	<p>Council members (6)</p> <p>Ministerial level (6). France (Minister for Foreign and European Affairs), Libyan Arab Jamahiriya (Secretary of the General People's Committee for Foreign Liaison and International Cooperation), Russian Federation (Deputy Minister for Foreign Affairs), Turkey (Minister for Foreign Affairs), United Kingdom (Secretary of State for Foreign and Commonwealth Affairs), United States (Secretary of State)</p> <p>Non-members (3)</p> <p>Ministerial level (3). Egypt (Minister for Foreign Affairs), Palestine (Minister for Foreign Affairs), Saudi Arabia (Minister for Foreign Affairs)</p>
6123 11 May 2009	The situation in the Middle East, including the Palestinian question	<p>Council members (11)</p> <p>Ministerial level (11). Austria (Federal Minister for European and International Affairs), Burkina Faso (Minister for Foreign Affairs), Costa Rica (Minister for Foreign Affairs), Croatia (State Secretary for Foreign Affairs), France (Minister for Foreign and European Affairs), Japan (State Secretary for Foreign Affairs), Russian Federation (Minister for Foreign Affairs), Turkey (Minister for Foreign Affairs), United Kingdom (Secretary of State for Foreign and Commonwealth Affairs), United States,^a Viet Nam (Deputy Minister for Foreign Affairs)</p>
6191 24 September 2009	Maintenance of international peace and security Nuclear non-proliferation and nuclear disarmament	<p>Council members (14)</p> <p>Heads of State and Government (14). Austria (President), Burkina Faso (President), China (President), Costa Rica (President), Croatia (President), France (President), Japan (Prime Minister), Mexico (President), Russian Federation (President), Turkey (Prime Minister), Uganda (President), United Kingdom (Prime Minister), United States (President), Viet Nam (President)</p>

<i>Meeting and date</i>	<i>Item</i>	<i>High-level participation</i>
6233 8 December 2009	Peace and security in Africa Drug trafficking as a threat to international security Letter dated 30 November 2009 from the Permanent Representative of Burkina Faso to the United Nations addressed to the Secretary-General (S/2009/615)	Council members (5) Ministerial level (5). Austria (Vice-Minister for European and International Affairs), Burkina Faso (Minister for Foreign Affairs), United Kingdom (Minister of State for International Development), United States (Member of the Cabinet of the President), Viet Nam (Deputy Minister for Foreign Affairs)

^a The representative of the United States participated in her capacity as a member of President Obama's cabinet.

3. Format of meetings

Through its practice during the period under review, the Council reaffirmed its commitment, as stated in the note by the President dated 19 July 2006,¹¹ to increase recourse to open meetings, particularly at an early stage in its consideration of a matter, in order to increase the transparency of its work.

(a) Public meetings

The Council, during the period under review, continued to hold public meetings as provided for in rule 48 mainly for the purposes of: (a) receiving briefings on country-specific or regional situations or thematic issues under its consideration; (b) holding debates on particular agenda items; and (c) adopting decisions. In 2008 and 2009, public meetings accounted for approximately 90 per cent of the total meetings, as shown in figure II.

¹¹ S/2006/507, para. 26.

(b) Private meetings

According to the note by the President of 19 July 2006,¹² private, or closed, meetings are intended to conduct discussions and/or take actions, such as the recommendation of the Council regarding the appointment of the Secretary-General, without the attendance of the public or the press. In 2008 and 2009, private meetings accounted for approximately 10 per cent of the total number of meetings. Of the private meetings held during the period under review, approximately 70 per cent were devoted to discussions with the troop-contributing countries, a practice institutionalized since September 2001 pursuant to resolution 1353 (2001); 23 per cent to discussions concerning country-specific situations; 4 per cent to briefings by the President of the International Court of Justice; and 2 per cent to a thematic debate concerning respect for international humanitarian law (see figure III and table 4). No private meeting was held during the period concerning the recommendation to the General Assembly regarding the appointment of the Secretary-General pursuant to rule 48.

¹² Ibid., para. 35.

Figure III
Private meetings held in 2008 and 2009

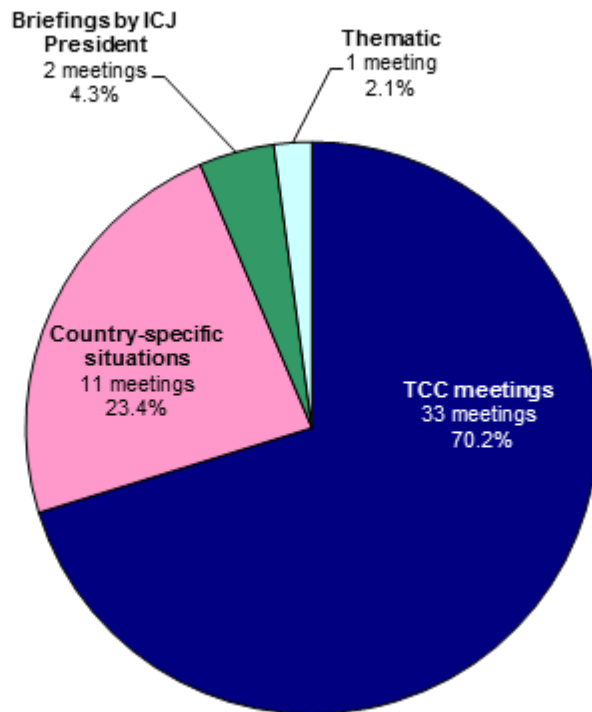


Table 4
Private meetings held in 2008 and 2009

<i>Item</i>	<i>Meeting and date</i>
Meetings with troop-contributing countries (33 meetings)	
Meeting of the Security Council with the troop-contributing countries pursuant to resolution 1353 (2001), annex II, sections A and B	5819 (14 January 2008), 5826 (25 January 2008), 5865 (14 April 2008), 5870 (21 April 2008), 5875 (24 April 2008), 5906 (9 June 2008), 5918 (23 June 2008), 5934 (16 July 2008), 5943 (24 July 2008), 5965 (25 August 2008), 5972 (9 September 2008), 5975 (19 September 2008), 5989 (8 October 2008), 5991 (9 October 2008), 6023 (26 November 2008), 6032 (5 December 2008), 6035 (10 December 2008), 6070 (21 January 2009), 6081 (10 February 2009), 6109 (22 April 2009), 6110 (23 April 2009), 6126 (22 May 2009), 6129 (27 May 2009), 6140 (12 June 2009), 6146 (19 June 2009), 6166 (23 July 2009), 6169 (24 July 2009), 6181 (13 August 2009), 6184 (3 September 2009), 6185 (4 September 2009), 6231 (7 December 2009), 6232 (7 December 2009), 6237 (10 December 2009)
Country-specific situations (11 meetings)	
Peace and security in Africa	5920 (23 June 2008), 6044 (15 December 2008)

<i>Item</i>	<i>Meeting and date</i>
Reports of the Secretary-General on the Sudan	6136 (5 June 2009), 6252 (21 December 2009)
Security Council resolutions 1160 (1998) , 1199 (1998) , 1203 (1998) , 1239 (1999) and 1244 (1999)	5822 (16 January 2008), 5835 (14 February 2008), 5871 (21 April 2008)
The situation in Georgia	5874 (23 April 2008), 5900 (30 May 2008), 5939 (21 July 2008), 5954 (11 August 2008)
Briefings by the President of the International Court of Justice (2 meetings)	
Briefing by the President of the International Court of Justice	6002 (28 October 2008), 6208 (29 October 2009)
Thematic (1 meeting)	
Maintenance of international peace and security	6078 (29 January 2009)

B. Informal consultations of the whole

During the period under review, members of the Council continued to hold informal consultations of the whole, meeting 174 times in 2008 and 125 times in 2009. Informal consultations of the whole are not meetings of the Security Council but gatherings of members of the Council to hold discussions and receive briefings from the Secretariat and representatives of the Secretary-General in private. As such, pursuant to past practice, no official records of informal consultations were made and non-Council members were not invited.

The Council, in the debate on its working methods held in 2008, engaged in discussions concerning the format of meetings, including the option of meeting in informal consultations of the whole, which is presented in the case study below (case 1).

Case 1 Implementation of the note by the President of the Security Council ([S/2006/507](#))

At its 5968th meeting, on 27 August 2008, in connection with the item entitled “Implementation of the note by the President of the Security Council ([S/2006/507](#))”, the Council had before it a concept

paper, in which, among others, the importance of private consultations as an indispensable tool to facilitate prompt and timely decisions was recognized, while arguing that this took nothing away from rule 48 of the provisional rules of procedure, which provided that “unless it decides otherwise, the Security Council shall meet in public”.¹³

Many speakers supported the Council’s efforts to hold more open meetings as a way to increase the transparency of its work,¹⁴ and called for more recourse to public meetings than to closed sessions such as informal consultations of the whole.¹⁵ In that

¹³ S/2008/528, p. 3.

¹⁴ S/PV.5968, pp. 3-4 (Indonesia); p. 5 (China); p. 8 (Croatia); p. 9 (France); p. 11 (United States); p. 11 (Viet Nam); p. 14 (Costa Rica); p. 16 (Russian Federation); p. 17 (United Kingdom); p. 22 (Japan); p. 23 (Slovakia); p. 25 (Switzerland, on behalf of the group of five small countries (Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland)); p. 29 (New Zealand); S/PV.5968 (Resumption 1), p. 4 (Kazakhstan).

¹⁵ S/PV.5968, p. 18 (Burkina Faso); p. 19 (Italy); p. 26 (Mexico); and p. 33 (Cuba, on behalf of the Non-Aligned Movement); S/PV.5968 (Resumption 1), p. 9 (Philippines); p. 10 (Canada); p. 13 (Ecuador); p. 19 (Republic of Korea); and p. 22 (Tonga, on behalf of the Pacific small island developing States).

regard, several speakers explicitly cited rule 48 of the provisional rules of procedure.¹⁶ The representative of Panama was of the view that unless there were important reasons justifying the opposite, all Member States should be allowed unconditional access to Council meetings.¹⁷ A few speakers stressed that private meetings and informal consultations of the whole should be resorted to only in exceptional circumstances and kept to a minimum.¹⁸ The representative of the Libyan Arab Jamahiriya questioned how important matters relating to Articles 24 and 30 of the Charter could be addressed when the Council, a nearly invisible body, was continuously in session behind closed doors, without any need or objective justification for such a format.¹⁹

The representative of France maintained, however, that the current balance between public meetings and informal consultations seemed satisfactory in that it enabled the Council to conduct the necessary negotiations to prepare decisions in private while interacting sufficiently with other Member States at official meetings. He further opined that informal consultations should remain what they were: for preparing decisions and negotiations, informal and interactive, in keeping their purpose, and not aim to replace the substance of official meetings. He expressed the view that it would not be desirable to regulate informal consultations more.²⁰ Similarly, the representative of the United Kingdom pointed out that the Council was meeting in more formal meetings and had fewer informal consultations in proportion to the year 2000. He cited the example of discussions on Timor-Leste conducted at both public meetings and private consultations, and emphasized the need to balance transparency with the need for the Council to

be able to work effectively, which was echoed by others.²¹

Several speakers, while discouraging lengthy statements, proposed that public meetings should not be pro forma and that their interactive nature should be strengthened.²² The representatives of Japan and Argentina held that at the meetings, more focused discussions, with specific and practical proposals and action-oriented follow-up, should be pursued.²³ In a similar vein, the representative of Mexico opined that it was imperative to consider the purpose and usefulness of holding open debates in the light of the need to make them results-oriented.²⁴ The representative of the United States, echoed by the representative of Australia, expressed his disappointment at the often low attendance of Member States in the Chamber despite the Council's efforts to have greater recourse to public meetings.²⁵

The representative of Italy, echoed by others, stated that in order to achieve better use of the existing format of private meetings, a mechanism should be established to allow interested Member States to be heard confidentially, at their request, in private consultations in the Chamber. In his opinion, in particular circumstances, all Member States should have the opportunity to explain their position in a formal setting, in a direct dialogue with Council members.²⁶

Other speakers made specific proposals about selection of the format of meetings. The representative of Indonesia proposed that unless there were strong, irrefutable arguments to the contrary, the reports of the Secretary-General should be presented and considered at public meetings, as hearing the views of interested Member States at an early stage of consideration was

¹⁶ S/PV.5968, p. 7 (Libyan Arab Jamahiriya); p. 9 (France); p. 12 (Panama); and p. 33 (Cuba, on behalf of the Non-Aligned Movement); S/PV.5968 (Resumption 1), p. 23 (Pakistan). The Movement of Non-Aligned Countries, in its final document of the Fifteenth Summit Conference of Heads of State and Government held in Sharm-el-Sheikh, Egypt, from 11 to 16 July 2009, reiterated its position concerning the publicity of Council meetings, as set out in the case study, explicitly citing rule 48 (see S/2009/514, para. 66.6).

¹⁷ S/PV.5968, p. 12.

¹⁸ Ibid., p. 6 (Libyan Arab Jamahiriya); and p. 33 (Cuba, on behalf of the Non-Aligned Movement); S/PV.5968 (Resumption 1), p. 13 (Ecuador).

¹⁹ S/PV.5968, p. 6.

²⁰ Ibid., p. 9.

²¹ Ibid., p. 17 (United Kingdom); and p. 29 (New Zealand); S/PV.5968 (Resumption 1), p. 19 (Republic of Korea); and p. 22 (Tonga, on behalf of the Pacific small island developing States).

²² S/PV.5968, p. 5 (China); p. 22 (Japan); and p. 25 (Switzerland, on behalf of Costa Rica, Jordan, Lichtenstein, Singapore and Switzerland); S/PV.5968 (Resumption 1), p. 6 (Germany); p. 13 (Ecuador); and p. 14 (Liechtenstein).

²³ S/PV.5968, p. 22 (Japan); and S/PV.5968 (Resumption 1), p. 15 (Argentina).

²⁴ S/PV.5968, p. 26.

²⁵ Ibid., pp. 10-11 (United States); and p. 31 (Australia).

²⁶ Ibid., p. 20 (Italy); p. 21 (Belgium); and p. 24 (Slovakia).

to the Council's advantage. Consideration of follow-up actions by the Council might take place at subsequent informal consultations.²⁷ The representative of Burkina Faso suggested that reports of Council missions should be discussed at public meetings so that the countries that the Council missions visited could participate.²⁸ According to the representative of the Libyan Arab Jamahiriya, an open debate, which was in his opinion closer to a public debate under rule 48 of the provisional rules of procedure, should be considered more important than debates in any other format, and should be chosen as a format without hesitation and be expanded as the rule, not as the exception, particularly on issues that had been under lengthy consideration of the Council.²⁹ The representative of Croatia stated that the primary mandate of the Council for the maintenance of international peace and security should be the only driving force in deciding the format of Council meetings and that the idea of having more open meetings should be tempered with a sense of what Council members wished to achieve in those meetings.³⁰ In the view of the representative of Costa Rica, the Secretariat had the duty to facilitate the application of the existing rules in the note by the President, by presenting open formats for all meetings as a first option in the proposed programme of work and it was then up to the Council members to argue and convince others regarding the use of a private format on an exceptional basis.³¹ Several speakers opted for briefings by senior officials of the Secretariat or chairpersons of subsidiary bodies to be held in public meetings.³²

The representative of France held that the list of possible formats for meetings, as set out in the annex to the note by the President³³ gave the Council enough flexibility to choose the best format depending on the issue under consideration.³⁴ The representative of the Libyan Arab Jamahiriya held, however, that reasons for selecting each one of the formats needed more

objective checks and definitions.³⁵ Some delegations agreed with the point made by the President of the Council (Belgium)³⁶ in the concept paper about the need for a clear understanding of the rationale for the adoption of a specific format, and proposed that an explanation to that effect should be provided in the introductory remarks by the President at meetings.³⁷ Furthermore, certain delegations called for the Council to decide the format of a meeting promptly and notify the general membership in a non-selective way, to allow States to prepare properly to make substantive contributions to the debate, with the representative of Singapore proposing to establish the time frame for such a decision to be 48 hours before the debate.³⁸

Stressing the need for the Council to hear the views of the general membership of the United Nations and to increase the number of meetings open to the general membership at the various stages of the consideration, the representative of the Philippines opined that necessary changes resulting from this approach could be set forth in chapter I of the provisional rules of procedure.³⁹

C. Other informal meetings

1. Arria-formula meetings

The members of the Council continued to utilize Arria-formula meetings as a flexible and informal forum for enhancing their deliberations by inviting any Member State, relevant organizations, including non-governmental organizations, or individuals to participate.

For example, the Secretary-General, in his report on women and peace and security, acknowledged that the Council had been working closely with civil society to address such issues through Arria-formula

²⁷ *Ibid.*, p. 4.

²⁸ *Ibid.*, p. 19.

²⁹ *Ibid.*, p. 7.

³⁰ *Ibid.*, p. 8.

³¹ *Ibid.*, p. 14.

³² *Ibid.*, p. 18 (Burkina Faso); and p. 33 (Cuba, on behalf of the Non-Aligned Movement); S/PV.5968 (Resumption 1), p. 10 (Canada); and p. 14 (Liechtenstein)

³³ S/2006/507, annex, para. 35

³⁴ S/PV.5968, p. 9.

³⁵ *Ibid.*, p. 7.

³⁶ See S/2008/528, annex.

³⁷ S/PV.5968, p. 25 (Switzerland, on behalf of Costa Rica, Jordan, Lichtenstein, Singapore and Switzerland); p. 28 (Iceland, on behalf of the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden)); and p. 29 (New Zealand); S/PV.5968 (Resumption 1), p. 10 (Canada).

³⁸ S/PV.5968, p. 7 (Libyan Arab Jamahiriya); S/PV.5968 (Resumption 1), p. 7 (Singapore); and p. 12 (Islamic Republic of Iran).

³⁹ S/PV.5968 (Resumption 1), p. 9.

meetings.⁴⁰ The proposal by the Secretary-General to use this arrangement more frequently for informal consultations with women's groups and non-governmental organizations on individual conflict situations on the Council's agenda⁴¹ received support from a few speakers at the 6005th meeting, on 29 October 2008, as a way to better consolidate and allow progress in Council actions and decisions.⁴²

In addition, the Secretary-General reported that in June 2009 an Arria-formula meeting on the topic focusing on the issue of conflict-related sexual violence had been organized by the United Kingdom for a briefing for Council members, representatives of the Secretariat and those from non-governmental organizations.⁴³ Arria-formula meetings that were mentioned in documents of the Council during the period under review are shown in table 5.

⁴⁰ S/2008/622, para. 15.

⁴¹ Ibid., para. 96 (d).

⁴² S/PV.6005, p. 20 (Burkina Faso); S/PV.6005 (Resumption 1), p. 7 (Mexico); p. 10 (Bangladesh); and p. 11 (Switzerland).

⁴³ S/2009/465, para. 59.

Table 5
Arria-formula meetings, 2008-2009

<i>Date</i>	<i>Subject</i>	<i>Organizer</i>	<i>Participants (non-members of the Council)</i>	<i>Source</i>
31 March 2008	The humanitarian and human rights situation in Somalia	United Kingdom	Various non-governmental organizations	S/2008/355 , p. 4
25 November 2008	The situation in the eastern Democratic Republic of the Congo	Belgium and France	Not available	S/2009/96 , p. 3
April 2009	Children and armed conflict	Mexico	Representatives from civil society and non-governmental organizations	S/2009/353 , p. 2
June 2009	Women and peace and security	United Kingdom	Representatives of the Secretariat and from non-governmental organizations	S/2009/465 , para. 59
8 October 2009	Residual issues of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda	Austria	Presidents of the Tribunals, Assistant Secretary-General for Legal Affairs, representatives of the International Committee of the Red Cross and the International Center for Transitional Justice	S/2009/687 , para. 5

A case study is featured below in which speakers emphasized the utility of Arria-formula meetings in the context of enhancing transparency and efficiency of the Council's work (case 2). In addition, the utility and the character of Arria-formula meetings were also discussed at the Finnish workshops for newly elected and present Security Council members held in November 2007 and November 2008. According to the reports, some

participants viewed the Arria-formula meetings as a useful means for broadening inputs and outreach with civil society. They observed that the meetings, with flexible procedures and an informal nature, allowed the Council to invite a range of interested parties to provide substantive and informative presentations on issues before the Council. However, others held that such informal gatherings should be used sparingly and keep

their unofficial character, especially when there was no consensus among Council members on the substance. They also cautioned that the issues discussed at Arria-formula meetings should not automatically be considered as matters of which the Council is seized.⁴⁴

**Case 2
Implementation of the note by the President of the Security Council (S/2006/507)**

At the 5968th meeting, on 27 August 2008, concerning implementation of the note by the President of the Security Council,⁴⁵ in advocating consultations with persons or groups other than Member States, the representative of Panama held that the adoption of the mechanism of the Arria-formula meeting had been a significant step forward in the process of enhancing the transparency of the Council's work. He suggested that the Arria-formula meetings needed to be formalized and broadened, with a view to greater participation.⁴⁶

⁴⁴ S/2008/195, pp. 15-16 and S/2009/193, p. 13.

⁴⁵ S/2006/507.

⁴⁶ S/PV.5968, pp. 12-13.

The representative of the United Kingdom referred to its own efforts to include a wide range of interlocutors in the discussions, citing one Arria-formula meeting on Somalia in March 2008 which had fed directly into the Council's work and another on sexual violence in conflict, followed by a debate on the subject later in June.⁴⁷ The representative of Slovakia made a similar point that more regular use of Arria-formula meetings was one way for the Council to enhance and widen the interaction and the dialogue with other Member States, particularly those directly affected, concerned and interested.⁴⁸ A few other speakers concurred with this point.⁴⁹

2. Informal dialogues

During the reporting period, the Council continued to utilize the informal dialogues which had been revitalized in 2007. Six such dialogues took place, and four of them concerned Sri Lanka, which was not on the agenda of the Council (see table 6).

⁴⁷ *Ibid.*, p. 17.

⁴⁸ *Ibid.*, p. 24.

⁴⁹ *Ibid.*, p. 19 (Burkina Faso); and p. 27 (Mexico).

Table 6
Informal dialogues, 2008-2009

<i>Date</i>	<i>Subject</i>	<i>Briefer</i>	<i>Participants (non-members of the Council)</i>
26 February 2008	Chad/Sudan	Minister for Foreign Affairs of Chad	None
12 February 2009	Darfur	Joint delegation of the African Union and the League of Arab States	None
26 March 2009	Sri Lanka (humanitarian situation)	Under-Secretary-General for Humanitarian Affairs	Sri Lanka
22 April 2009	Sri Lanka (humanitarian situation)	Chef de Cabinet of the Executive Office of the Secretary-General	Sri Lanka
30 April 2009	Sri Lanka (humanitarian situation)	Under-Secretary-General for Humanitarian Affairs	Sri Lanka
5 June 2009	Sri Lanka	Secretary-General	Sri Lanka

3. Other meetings

The Council held an informal joint meeting with the Peace and Security Council of the African Union, on 17 April 2008, on the subject of cooperation

between the two Councils, under the co-chairmanship of the President of the Council (South Africa), the United Kingdom and the Chair of the Peace and

Security Council of the African Union (Ethiopia).⁵⁰ This was the second such meeting between the two bodies since the first one held in Addis Ababa in June 2007.⁵¹

Moreover, Council members held two informal meetings with the Special Adviser to the Secretary-General on the Prevention of Genocide: one on 27 January 2009 to be briefed on his action on the matter and his visit to the Great Lakes region,⁵² and the

⁵⁰ A joint communiqué was issued after the meeting (S/2008/263).

⁵¹ During its mission to Africa from 14 to 21 May 2009, the Council met again with the Peace and Security Council of the African Union in Addis Ababa. For more information, see the report of the Security Council mission to the African Union, Rwanda and the Democratic Republic of the Congo, and Liberia, dated 11 June 2009 (S/2009/303).

⁵² S/2009/107, p. 7.

other on 25 August 2009 to hear an update on the work of his office.⁵³

D. Records

During the period under review, in line with its usual practice, the Council issued verbatim records following its public meetings in accordance with rule 49 and communiqués following private meetings in accordance with rule 55. There were no instances in which questions were raised regarding the applications of rules 49-57 in connection with preparation, access and issuance of verbatim records, communiqués and documents which took place according to standard practice.

⁵³ S/2009/557, p. 6.

II. Agenda

Note

Section II covers the interpretation and application of rules 6 to 12 of the provisional rules of procedure of the Security Council, relating to the agenda, during the period 2008-2009.

Rule 6 of the provisional rules of procedure relates to the circulation of communications by the Secretary-General concerning any matters for the consideration of the Council, and rules 7, 8 and 12 relate to the preparation and communication of the provisional agenda. Rule 9 provides for the adoption of the agenda. Rules 10 and 11 deal with the matters of which the Council is seized.

Rule 6

The Secretary-General shall immediately bring to the attention of all representatives on the Security Council all communications from States, organs of the United Nations, or the Secretary-General concerning any matter for the consideration of the Security Council in accordance with the provisions of the Charter.

Rule 7

The provisional agenda for each meeting of the Security Council shall be drawn up by the Secretary-General and approved by the President of the Security Council.

Only items which have been brought to the attention of the representatives on the Security Council in accordance with rule 6, items covered by rule 10, or matters which the Security Council had previously decided to defer, may be included in the provisional agenda.

Rule 8

The provisional agenda for a meeting shall be communicated by the Secretary-General to the representatives on the Security Council at least three days before the meeting, but in urgent circumstances it may be communicated simultaneously with the notice of the meeting.

Rule 9

The first item of the provisional agenda for each meeting of the Security Council shall be the adoption of the agenda.

Rule 10

Any item on the agenda of a meeting of the Security Council, consideration of which has not been completed at that meeting, shall, unless the Security Council otherwise decides, automatically be included in the agenda of the next meeting.

Rule 11

The Secretary-General shall communicate each week to the representatives on the Security Council a summary statement of matters of which the Security Council is seized and of the stage reached in their consideration.

Rule 12

The provisional agenda for each periodic meeting shall be circulated to the members of the Security Council at least twenty-one days before the opening of the meeting. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members at least five days before the meeting. The Security Council may, however, in urgent circumstances, make additions to the agenda at any time during a periodic meeting.

The provisions of rule 7, paragraph 1, and of rule 9, shall apply also to periodic meetings.

During the review period, the Secretary-General continued the practice of distributing communications as documents in the S/-series in accordance with rule 6, drawing up a provisional agenda for each meeting and communicating the provisional agenda to the representatives on the Security Council, in accordance with rules 7 and 8. There were no instances where the question of circulation of communications arose or instances where the subject of the preparation of the provisional agenda gave rise to a discussion in the Council. In addition, rule 12 was not applied during the period under review as no periodic meeting was held. Therefore, no material relating to rules 6, 7, 8 and 12 can be found for 2008 and 2009.

The present section is organized in three subsections: (a) adoption of the agenda (rule 9); (b) matters of which the Security Council is seized

(rules 10-11); and (c) discussions concerning matters of which the Security Council is seized. Subsection (a) deals with items newly introduced by the Council, as well as the continuing trend of subsuming new items under a single existing item and using of existing thematic items for country-specific discussions. The revision at the end of 2008 of the procedure relating to the retention and deletion of items and to the format of the summary statement of matters of which the Council is seized and of the stage reached in their consideration, or summary statement⁵⁴ (rules 10-11) is covered in subsection (b). A case study is presented in subsection (c).

A. Adoption of the agenda (rule 9)

In accordance with rule 9, the first item on the provisional agenda for each meeting of the Council is the adoption of the agenda. During the period under review, there was no occasion on which a procedural objection was raised on the adoption of the agenda. Neither were there objections raised nor discussions held on the substance of the item included in the provisional agenda. The practice of including a new item in the summary statement once it had been adopted at a formal meeting of the Council remained the same.

1. Newly introduced items

During the two-year period under review, the Council added one new item to its agenda each year: in 2008, an item regarding the working methods of the Security Council, and in 2009, another relating to Honduras (see table 7).

⁵⁴ See the note by the President dated 31 December 2008 (S/2008/847).

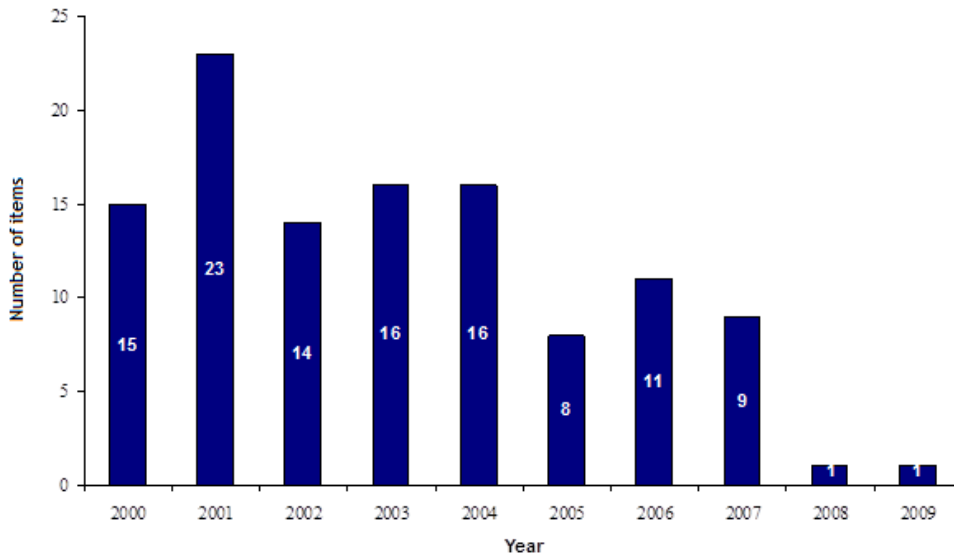
Table 7
Agenda items newly introduced, 2008-2009

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>
Implementation of the note by the President of the Security Council (S/2006/507)	5968th meeting 27 August 2008	S/2008/10/Add.34
Letter dated 22 September 2009 from the Permanent Representative of Brazil to the United Nations addressed to the President of the Security Council	6192nd meeting 25 September 2009	S/2009/10/Add.38

This represents a sharp drop when compared to the prior eight-year period (2000-2007), when on an average 14 new items were added each year. See

figure IV comparing the number of items introduced from 2000 to 2009.

Figure IV
Number of items newly introduced, 2000-2009⁵⁵



⁵⁵ For more information regarding items newly included in the list of matters of which the Council is seized during the period 2000-2007, see chapter II of Supplement 2000-2003 and Supplement 2004-2007 to the *Repetoire*.

2. Subsuming new items under a single existing item

In accordance with the notes by the President of the Security Council dated 19 July 2006⁵⁶ and 31 December 2008, respectively,⁵⁷ and to enhance the efficiency and transparency of the work of the Council, the period under review witnessed a continuing trend of subsuming earlier agenda items on the same subject under a descriptive formulation to avoid having a number of separate items on the same subject. For example, from 1 January 2008 onwards, all items for meetings with troop-contributing countries dealing with different peacekeeping operations entitled “Meetings of the Security Council with the troop-contributing countries to [name of peacekeeping mission] pursuant to resolution 1353 (2001), annex II, sections A and B”, were subsumed under one descriptive item entitled “Meeting of the Security

Council with the troop-contributing countries pursuant to resolution 1353 (2001), annex II, sections A and B”. Accordingly, three otherwise new items in 2008-2009, that is, meetings of the Council with the troop-contributing countries to the African Union-United Nations Hybrid Operation in Darfur (UNAMID), the United Nations Mission in the Central African Republic and Chad (MINURCAT) and the United Nations Integrated Mission in Timor-Leste (UNMIT), were subsumed under the same item.⁵⁸

⁵⁸ At the 5934th (closed) meeting, held on 16 July 2008; at the 5975th (closed) meeting, held on 19 September 2008; and the 6129th (closed) meeting, held on 27 May 2009, respectively.

⁵⁶ S/2006/507.

⁵⁷ S/2008/847.

3. Utilization of existing thematic items for country-specific discussions

The period under review also witnessed the practice of the Council of utilizing existing items relating to general or thematic issues to discuss newly developing, country-specific/regional situations. For example, under the item entitled “Peace and security in

Africa”, the Council discussed four country-specific situations in Africa related to Kenya, Djibouti/Eritrea, Zimbabwe and Mauritania, in addition to five thematic issues. Similarly, in 2009, under the item entitled “Peace consolidation in West Africa”, the Council discussed the situation in Guinea, while continuing to utilize the item to discuss the United Nations Office for West Africa (see table 8)

Table 8
Meetings convened under the items entitled “Peace and security in Africa” and “Peace consolidation in West Africa”, 2008-2009

<i>Meeting</i>	<i>Date</i>	<i>Subject</i>
Peace and security in Africa		
5831	6 February 2008	Kenya
5868	16 April 2008	Strengthening relations between the United Nations and regional organizations, in particular the Africa Union, in the maintenance of international peace and security
5908	12 June 2008	Djibouti and Eritrea
5919	23 June 2008	Zimbabwe
5920 (closed)	23 June 2008	Zimbabwe
5921	23 June 2008	Zimbabwe
5924	24 June 2008	Djibouti and Eritrea
5929	8 July 2008	Zimbabwe
5933	11 July 2008	Zimbabwe
5960	19 August 2008	Mauritania
6000	23 October 2008	Djibouti and Eritrea
6044 (closed)	15 December 2008	Zimbabwe
6065	14 January 2009	Djibouti and Eritrea
6092	18 March 2009	Report of the African Union-United Nations panel on modalities for support to African Union operations
6118	5 May 2009	Resurgence of unconstitutional changes of government in Africa
6206	26 October 2009	Report of the Secretary-General on support to African Union peacekeeping operations authorized by the United Nations
6233	8 December 2009	Drug trafficking as a threat to international security
6254	23 December 2009	Djibouti and Eritrea

<i>Meeting</i>	<i>Date</i>	<i>Subject</i>
Peace consolidation in West Africa		
6073	21 January 2009	United Nations Office for West Africa (UNOWA)
6157	7 July 2009	UNOWA
6160	10 July 2009	UNOWA
6207	28 October 2009	Guinea

B. Matters of which the Security Council is seized (rules 10 and 11)

1. Overview

In 2008 and 2009, the Security Council considered at its meetings a total of 55 agenda items, 28 items dealing with country-specific or regional situations and 27 dealing with thematic issues. In 2008, of the items

concerning country-specific or regional situations, 55 per cent were concerning Africa, followed by Europe (15 per cent), Asia (15 per cent), the Middle East (11 per cent) and the Americas (4 per cent). In 2009, the percentage of Africa-related items dropped to 48 per cent, followed by Europe and Asia (16 per cent, respectively), the Middle East (12 per cent) and the Americas (8 per cent). For a yearly breakdown, see table 9.

Table 9
Items considered at meetings, 2008-2009

<i>Item</i>	<i>2008</i>	<i>2009</i>
28 items dealing with country-specific/regional situations		
Africa		
Reports of the Secretary-General on the Sudan	•	•
The situation between Eritrea and Ethiopia	•	
The situation concerning Rwanda	•	
The situation concerning the Democratic Republic of the Congo	•	•
The situation concerning Western Sahara	•	•
The situation in Burundi	•	•
The situation in Chad and the Sudan	•	
The situation in Chad, the Central African Republic and the subregion	•	•
The situation in Côte d'Ivoire	•	•
The situation in Guinea-Bissau	•	•
The situation in Liberia	•	•
The situation in Sierra Leone	•	•
The situation in Somalia	•	•
The situation in the Central African Republic	•	•
The situation in the Great Lakes region	•	•
Africa subtotal	15 items	12 items

Repertoire of the Practice of the Security Council, 2008-2009

<i>Item</i>	<i>2008</i>	<i>2009</i>
Americas		
Letter dated 22 September 2009 from the Permanent Representative of Brazil to the United Nations addressed to the President of the Security Council (S/2009/487)		•
The question concerning Haiti	•	•
Americas subtotal	1 item	2 items
Asia		
Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)	•	•
The situation in Afghanistan	•	•
The situation in Myanmar	•	•
The situation in Timor-Leste	•	•
Asia subtotal	4 items	4 items
Europe		
Security Council resolutions 1160 (1998) , 1199 (1998) , 1203 (1998) , 1239 (1999) and 1244 (1999)	•	•
The situation in Bosnia and Herzegovina	•	•
The situation in Cyprus	•	•
The situation in Georgia	•	•
Europe subtotal	4 items	4 items
Middle East		
The situation concerning Iraq	•	•
The situation in the Middle East	•	•
The situation in the Middle East, including the Palestinian question	•	•
Middle East subtotal	3 items	3 items
Subtotal		
	27 items	25 items
27 items dealing with thematic issues		
Briefing by the Chairman-in-Office of the Organization for Security and Cooperation in Europe ^a	•	•
Briefing by the President of the International Court of Justice	•	•
Briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator	•	
Briefing by the United Nations High Commissioner for Refugees		•
Briefings by Chairmen of subsidiary bodies of the Security Council	•	•
Children and armed conflict	•	•
Consideration of the draft report of the Security Council to the General Assembly	•	•
Election of five members of the International Court of Justice	•	
Implementation of the note by the President of the Security Council (S/2006/507)	•	

Part II. Provisional rules of procedure and related procedural developments

<i>Item</i>	<i>2008</i>	<i>2009</i>
International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994	•	•
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	•	•
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	•	•
International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994	•	•
Maintenance of international peace and security	•	•
Maintenance of international peace and security: role of the Security Council in supporting security sector reform	•	•
Meeting of the Security Council with the troop-contributing countries pursuant to resolution 1353 (2001), annex II, sections A and B ^b	•	•
Non-proliferation	•	•
Non-proliferation of weapons of mass destruction	•	•
Non-proliferation/Democratic People's Republic of Korea	•	•
Peace and security in Africa	•	•
Peace consolidation in West Africa	•	•
Post-conflict peacebuilding	•	•
Protection of civilians in armed conflict	•	•
Security Council mission	•	•
Small arms	•	•
Threats to international peace and security caused by terrorist acts	•	•
United Nations peacekeeping operations	•	•
Women and peace and security	•	•
Subtotal	23 items	21 items
Total agenda items discussed per year	50 items	46 items

^a This item was considered, at the 5982nd meeting, on 26 September 2008, and the 6088th meeting, on 27 February 2009. At the latter meeting, the item was entitled "Briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe".

^b As from 1 January 2008, all items concerning meetings of the Security Council with countries contributing troops to specific peacekeeping missions pursuant to resolution 1353 (2001), annex II, sections A and B, were subsumed under this item.

2. Revised procedure for deletion of items

In 2008, 5 of the 25 items that had been identified for deletion from the list of matters of which the Security Council was seized at the beginning of the year⁷⁷ were deleted, while the others were retained for an additional year at the request of Member States.⁷⁸ In comparison, in 2009, 48 items were identified for deletion because they had not been considered in the preceding three years or because the Council had concluded the consideration of the items, as in the case of the item entitled “The situation concerning Rwanda”. Nearly half of the items proposed for deletion (22 items) were deleted.⁷⁹

⁷⁷ See S/2008/10.

⁷⁸ S/2008/10/Add.13.

⁷⁹ S/2009/10/Add.9.

As shown in table 10, the total number of matters of which the Security Council was seized was 106 at the end of 2008. That number sharply dropped, to 85 items, at the end of 2009.⁸⁰ For details of the items proposed for deletion in 2008 and 2009 and their status, see table 11.

⁸⁰ It has always been the practice not to include the items relating to the election of members of the International Court of Justice in the list of matters of which the Council is seized. Accordingly, the item entitled “Election of five members of the International Court of Justice” that the Council considered on 6 November 2008 at the 6011th and 6012th meetings has not been included among the items taken up in 2008. No item relating to the election of members of the Court was considered in 2009.

Table 10
Number of items of which the Security Council was seized in 2008 and 2009, as listed on the summary statement by the Secretary-General

Year	Total items in first summary statement of year	Items proposed for deletion	Items deleted	Items added	Total items in last summary statement of year
2008	110 ^a	25	5	1	106
2009	106	48	22	1	85

^a For the purpose of the *Repertoire* and in order to maintain consistency across the years, the item entitled “Consideration of the draft report of the Security Council to the General Assembly” was included as an item in 2008. The item appears in the list of matters of which the Council is seized from the summary statement dated 30 January 2009 (S/2009/10).

Table 11
Items proposed for deletion from the summary statement, 2008-2009

Item (Dates of first and last consideration)	Proposed for deletion in 2008	Status in April 2008	Proposed for deletion in 2009	Status in March 2009
The Palestine question (9 December 1947; 25 November 1966)	●	Retained	●	Retained
The India-Pakistan question (6 January 1948; 5 November 1965)	●	Retained	●	Retained
The Hyderabad question (16 September 1948; 24 May 1949)	●	Retained	●	Retained
Letter dated 20 February 1958 from the representative of the Sudan addressed to the Secretary-General (21 February 1958; 21 February 1958)	●	Retained	●	Retained

**Part II. Provisional rules of procedure and
related procedural developments**

<i>Item (Dates of first and last consideration)</i>	<i>Proposed for deletion in 2008</i>	<i>Status in April 2008</i>	<i>Proposed for deletion in 2009</i>	<i>Status in March 2009</i>
Letter dated 11 July 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council (18 July 1960; 5 January 1961)	●	Retained	●	Retained
Letter dated 31 December 1960 from the Minister for External Affairs of Cuba addressed to the President of the Security Council (4 January 1961; 5 January 1961)	●	Retained	●	Retained
The situation in the India/Pakistan subcontinent (4 December 1971; 27 December 1971)	●	Retained	●	Retained
Letter dated 3 December 1971 from the Permanent Representatives of Algeria, Iraq, the Libyan Arab Republic and the People's Democratic Republic of Yemen to the United Nations addressed to the President of the Security Council (9 December 1971; 9 December 1971)	●	Retained	●	Retained
Complaint by Cuba (17 September 1973; 18 September 1973)	●	Retained	●	Retained
Arrangements for the proposed Peace Conference on the Middle East (15 December 1973; 15 December 1973)	●	Retained	●	Retained
The Middle East problem, including the Palestinian question (12 January 1976; 11 October 1985)	●	Retained	●	Retained
The situation in the occupied Arab territories (4 May 1976; 13 July 1998)	●	Retained	●	Retained
The question of the exercise by the Palestinian people of its inalienable rights (9 June 1976; 30 April 1980)	●	Retained	●	Retained
The situation between Iran and Iraq (26 September 1980; 31 January 1991)	●	Retained	●	Retained
Letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (2 October 1985; 4 October 1985)	●	Retained	●	Retained
Letter dated 4 February 1986 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (4 February 1986; 6 February 1986)	●	Retained	●	Retained

Repertoire of the Practice of the Security Council, 2008-2009

<i>Item (Dates of first and last consideration)</i>	<i>Proposed for deletion in 2008</i>	<i>Status in April 2008</i>	<i>Proposed for deletion in 2009</i>	<i>Status in March 2009</i>
Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council;	●	Retained	●	Retained
Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of Burkina Faso to the United Nations addressed to the President of the Security Council;				
Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council;				
Letter dated 15 April 1986 from the Permanent Representative of Oman to the United Nations addressed to the President of the Security Council (15 April 1986; 24 April 1986)				
Letter dated 19 April 1988 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (21 April 1988; 25 April 1988)	●	Retained	●	Retained
Letter dated 2 February 1990 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council (9 February 1990; 9 February 1990)	●	Retained	●	Retained
The situation between Iraq and Kuwait (2 August 1990; 11 April 2005)	–	–	●	Retained
The situation in Angola (29 January 1993; 17 December 2002)	●	Deleted	–	–
The situation concerning Rwanda (12 March 1993; 10 July 2008)	–	–	●	Deleted
Complaint by Ukraine regarding the decree of the Supreme Soviet of the Russian Federation concerning Sevastopol (20 July 1993; 20 July 1993)	●	Retained	●	Retained
The situation in Croatia (2 September 1993; 12 December 2002)	●	Deleted	–	–
Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council (22 April 1998; 6 July 2005)	–	–	●	Deleted

**Part II. Provisional rules of procedure and
related procedural developments**

<i>Item (Dates of first and last consideration)</i>	<i>Proposed for deletion in 2008</i>	<i>Status in April 2008</i>	<i>Proposed for deletion in 2009</i>	<i>Status in March 2009</i>
Protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones (9 February 2000; 26 August 2003)	–	–	●	Retained
The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations (17 July 2000; 18 July 2005)	–	–	●	Deleted
Wrap-up discussion on the work of the Security Council for the current month (31 August 2001; 30 March 2005)	–	–	●	Deleted
Food aid in the context of conflict settlement: Afghanistan and other crisis areas (4 April 2002; 4 April 2002)	●	Deleted	–	–
Strengthening cooperation between the United Nations system and the Central African region in the maintenance of peace and security (22 October 2002; 31 October 2002)	●	Deleted	–	–
Africa's food crisis as a threat to peace and security (3 December 2002; 30 June 2005)	–	–	●	Deleted
Letter dated 29 November 2002 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council (9 December 2002; 9 December 2002)	●	Deleted	–	–
Kimberley Process Certification Scheme (28 January 2003; 28 January 2003)	–	–	●	Retained
Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa (18 March 2003; 18 March 2003)	–	–	●	Deleted
The role of the Security Council in the pacific settlement of disputes (13 May 2003; 13 May 2003)	–	–	●	Deleted
Response to the humanitarian situation in Iraq (22 May 2003; 22 May 2003)	–	–	●	Deleted
Justice and the rule of law: the United Nations role (24 September 2003; 6 October 2004)	–	–	●	Deleted

Repertoire of the Practice of the Security Council, 2008-2009

<i>Item (Dates of first and last consideration)</i>	<i>Proposed for deletion in 2008</i>	<i>Status in April 2008</i>	<i>Proposed for deletion in 2009</i>	<i>Status in March 2009</i>
Letter dated 5 October 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/2003/939);	–	–	●	Retained
Letter dated 5 October 2003 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/2003/943) (5 October 2003; 5 October 2003)				
Letter dated 2 October 2003 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2003/934) (10 October 2003; 10 October 2003)	–	–	●	Deleted
The importance of mine action for peacekeeping operations (13 November 2003; 19 November 2003)	–	–	●	Deleted
Central African region (24 November 2003; 24 November 2003)	–	–	●	Retained
Post-conflict national reconciliation: role of the United Nations (26 January 2004; 26 January 2004)	–	–	●	Deleted
Cross-border issues in West Africa (25 March 2004; 25 February 2005)	–	–	●	Deleted
The role of business in conflict prevention, peacekeeping and post-conflict peacebuilding (15 April 2004; 15 April 2004)	–	–	●	Deleted
Decision of the Libyan Arab Jamahiriya to abandon its weapons of mass destruction programmes (22 April 2004; 22 April 2004)	–	–	●	Deleted
Letter dated 25 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2004/425) (25 May 2004; 25 May 2004)	–	–	●	Deleted
Complex crises and United Nations response (28 May 2004; 28 May 2004)	–	–	●	Deleted
Role of civil society in post-conflict peacebuilding (22 June 2004; 22 June 2004)	–	–	●	Deleted

<i>Item (Dates of first and last consideration)</i>	<i>Proposed for deletion in 2008</i>	<i>Status in April 2008</i>	<i>Proposed for deletion in 2009</i>	<i>Status in March 2009</i>
Civilian aspects of conflict management and peacebuilding (22 September 2004; 22 September 2004)	–	–	●	Deleted
Institutional relationship with the African Union (19 November 2004; 19 November 2004)	–	–	●	Deleted
The maintenance of international peace and security: the role of the Security Council in humanitarian crises — challenges, lessons learned and the way ahead (12 July 2005; 12 July 2005)	–	–	●	Deleted
Letters dated 26 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2005/485 and S/2005/489) (27 July 2005; 27 July 2005)	–	–	●	Retained
The role of civil society in conflict prevention and the pacific settlement of disputes (20 September 2005; 20 September 2005)	–	–	●	Deleted

3. Revised format of the summary statements

During the period under review, in accordance with rule 11, the Secretary-General continued to communicate each week to the Security Council a summary statement of matters of which the Council is seized and of the stage reached in their consideration.

In a note by the President dated 31 December 2008,⁶³ issued on the basis of discussions in the Council's Informal Working Group on Documentation and Other Procedural Questions,⁶⁴ two changes were introduced at the end of 2008 to the procedure for managing the items on the list of matters of which the Security Council is seized: (a) the deletion of an item that had not been considered in the preceding three years, instead of five years as previously; and (b) issuance of the revised summary statement, reflecting any deletions, one month earlier than the

date established in the previous note by the President, dated 19 July 2006.⁶⁵

There were a number of changes to the format of the summary statement during the period under review. First, pursuant to paragraph 6 of the note by the President dated 19 December 2007,⁶⁶ beginning in January 2008, the references given for each item listed in the summary statement were changed to the date of the first consideration of the item at a formal meeting of the Council and the date of its most recent consideration. The format was introduced in the first summary statement issued in 2008.⁶⁷

In addition, pursuant to paragraph 7 of the note by the President dated 31 December 2008,⁶⁸ the summary statements issued from 2009,⁶⁹ comprised two lists: items considered by the Council at a meeting during the preceding three-year period, and items not considered during the preceding three-year period but

⁶³ S/2008/847.

⁶⁴ For more information, see part IX, with regard to the mandate of the Informal Working Group on Documentation and Other Procedural Questions.

⁶⁵ S/2006/507.

⁶⁶ S/2007/749.

⁶⁷ S/2008/10.

⁶⁸ S/2008/847.

⁶⁹ See, for example, S/2009/10/Add.9.

which the Council had decided to retain at the request of a Member State.

According to the Chairman of the Informal Working Group on Documentation and Other Procedural Questions, the Working Group strove to make the summary statement more accurate, reflect the items of which the Council was actually seized, and give the Council greater involvement in its preparation.⁷⁰

During the period under review, according to past practice, following the review of the summary statement at the end of the previous year, the preliminary annual summary statement was issued in January. The summary statements issued in January 2008 and January 2009⁷¹ identified the items to be deleted if they had not been considered by the Council during the preceding five years and three years, respectively. By the end of February, Member States notified the Council if they wished an item identified for deletion to remain on the summary statement, in which case the item was retained for one year, unless the Council decided otherwise. Following the consideration by the Council of such requests for retention, on the basis of the recommendation by the Informal Working Group, the summary statements issued in April 2008 and March 2009 reflected the deletion of items.⁷²

C. Discussions concerning the agenda

Prior to the agreement reached at the Informal Working Group on Documentation and Other Procedural Questions concerning the revised format of the summary statement, as reflected in the note by the President dated 31 December 2008,⁷³ the Security Council engaged in discussions on agenda management in a debate on its working methods (case 3).

⁷⁰ S/PV.6043, p. 11.

⁷¹ S/2008/10 and S/2009/10, respectively.

⁷² S/2008/10/Add.13 and S/2009/10/Add.9, respectively.

⁷³ S/2008/847.

Case 3

Implementation of the note by the President of the Security Council (S/2006/507)

At the 5968th meeting, on 27 August 2008, under the item entitled “Implementation of the note by the President of the Security Council (S/2006/507)”, speakers discussed, among other issues, the management of the agenda of the Security Council.

The representative of China pointed out that the Security Council should adopt a responsible and cautious attitude when including new items in its agenda, given the drastic growth in the number of items on the Council’s agenda. He agreed on the need for a review of the current items on the agenda in order to save resources and enhance efficiency. He also expressed concern about the excessive attention given to theoretical issues.⁷⁴

The representative of France opined that the current modalities for removing agenda items of which the Council was no longer seized were most restrictive and that adding items was difficult. Therefore, the list was not always as precise as it should be about the substance of the deliberations, as it either contained obsolete items or did not precisely identify other items. He called for a more flexible way of managing the list in order to make it a “better source of information” on the matters of which the Council was seized.⁷⁵ In a similar vein, the representative of the United Kingdom held that the agenda of the debate was a classic example of using bureaucratic language rather than something that all could readily understand. He stressed the need to keep the agenda up to date and self-explanatory and proposed that the Informal Working Group on Documentation and Other Procedural Questions should do further work on the issue.⁷⁶ The representative of Burkina Faso noted that a better presentation of agenda items and a rationalization of the agenda could enhance the work of the Council.⁷⁷

⁷⁴ S/PV.5968, p. 6.

⁷⁵ *Ibid.*, pp. 9-10.

⁷⁶ *Ibid.*, p. 18.

⁷⁷ *Ibid.*

III. Representation and credentials

The present section deals with the practice of the Security Council concerning representation and credentials of the members of the Security Council, in relation to rules 13-17 of the provisional rules of procedure.

Rule 13

Each member of the Security Council shall be represented at the meetings of the Security Council by an accredited representative. The credentials of a representative on the Security Council shall be communicated to the Secretary-General not less than twenty-four hours before he takes his seat on the Security Council. The credentials shall be issued either by the Head of the State or of the Government concerned or by its Minister of Foreign Affairs. The Head of Government or Minister of Foreign Affairs of each member of the Security Council shall be entitled to sit on the Security Council without submitting credentials.

Rule 14

Any Member of the United Nations not a member of the Security Council and any State not a Member of the United Nations, if invited to participate in a meeting or meetings of the Security Council, shall submit credentials for the representative appointed by it for this purpose. The credentials of such a representative shall be communicated to the Secretary-General not less than twenty-four hours before the first meeting which he is invited to attend.

Rule 15

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

Rule 16

Pending the approval of the credentials of a representative on the Security Council in accordance with rule 15, such representative shall be seated provisionally with the same rights as other representatives.

Rule 17

Any representative on the Security Council, to whose credentials objection has been made within the Security Council, shall continue to sit with the same rights as other representatives until the Security Council has decided the matter.

During the period under review, in accordance with the above rules and past practice, the credentials of representatives were communicated to the Secretary-General, who submitted his report to the Council pursuant to rule 15 when changes in the representation of members of the Council were made⁷⁸ and when, before the beginning of each term, the representatives of the newly elected non-permanent members of the Council were designated.⁷⁹ No discussions or special cases arose during the period under review regarding the interpretation and application of rules 13-16.

⁷⁸ See S/2008/71, S/2008/91, S/2008/122, S/2008/134, S/2008/176, S/2008/231, S/2008/268, S/2008/317, S/2008/361, S/2008/511, S/2008/527, S/2008/539, S/2008/548, S/2008/550, S/2008/560, S/2008/626, S/2008/634, S/2008/671, S/2008/822, S/2008/831, S/2009/16, S/2009/77, S/2009/147, S/2009/159, S/2009/161, S/2009/223, S/2009/272, S/2009/286, S/2009/331, S/2009/337, S/2009/361, S/2009/366, S/2009/367, S/2009/384, S/2009/423, S/2009/424, S/2009/426, S/2009/449, S/2009/468, S/2009/471, S/2009/499, S/2009/576, S/2009/584, S/2009/624, S/2009/692 and S/2009/696.

⁷⁹ For the credentials of the representatives and deputy and alternate representatives of Council members elected for the periods 2008-2009 and 2009-2010, see S/2007/760 and S/2008/808 and Add.1, respectively.

IV. Presidency

Note

The present section presents information regarding the presidency of the Security Council under rules 18-20 of the provisional rules of procedure, namely, the monthly rotation of the presidency, the role of the President and the temporary cession of the chair by the President during consideration of issues in which his or her country is directly involved.

Rule 18

The presidency of the Security Council shall be held in turn by the members of the Security Council in the English alphabetical order of their names. Each President shall hold office for one calendar month.

Rule 19

The President shall preside over the meetings of the Security Council and, under the authority of the Security Council, shall represent it in its capacity as an organ of the United Nations.

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.

The section focuses on the role of the President of the Security Council (rules 18-19) as there were no instances of the application of rule 20 requiring the President of the Council to temporarily cede the presidency to the next Council member.

The role of the President of the Security Council (rules 18 and 19)

In accordance with rule 18, the presidency of the Security Council rotated monthly in the English alphabetical order. Under rule 19, other than presiding over Council meetings, the President of the Council continued to perform functions which included (a) briefing non-Council members on the monthly programme of work of the Council at the beginning of the month; (b) with the concurrence of Council members, representing the Security Council and delivering statements on behalf of the Council;⁸⁰ and (c) also delivering statements or remarks to the press following the conclusion of discussions in informal consultations of the whole, whenever Council members reached an agreement on a text. Presidents, in their national capacities, continued to submit monthly assessments of the work of the Security Council during their presidency.⁸¹

In addition, in accordance with past practice, the Council member holding the presidency during the month of July continued to prepare the introduction to the annual report of the Security Council to the General Assembly. The delegation of Viet Nam, which held the presidency in July 2008, consulted with Council members and the United Nations membership at large in the process of outlining and finalizing the annual report, with a view to enhancing the openness, transparency and efficiency of the work of the Council.

⁸⁰ For example, at the 53rd plenary meeting of the sixty-third session of the General Assembly, on 18 November 2008, and at the 43rd plenary meeting of the sixty-fourth session, on 12 November 2009, with the concurrence of other Council members, the Presidents for the month of November 2008 and 2009, Costa Rica and Austria, respectively, introduced to the General Assembly the annual reports of the Council covering the periods from 1 August 2007 to 31 July 2008 (A/63/2) and from 1 August 2008 to 31 July 2009 (A/64/2), and delivered their statements on behalf of the Council (see A/63/PV.53, pp. 5-8 and A/64/PV.43, pp. 3-5). For other meetings that the President attended, see part IV, sects. I and II.

⁸¹ A list of the monthly assessments during the period under review is provided in the annual reports of the Council to the General Assembly (A/63/2, p. 61; A/64/2, p. 106; and A/65/2, p. 74).

The delegation of Viet Nam also convened an informal meeting at the end of its presidency to update non-Council members on the preparation of the annual report and seek their views and suggestions.⁸² At the adoption of the annual report by the Council for submission to the General Assembly at its sixty-fourth session, the representative of Uganda, whose delegation held the presidency in July 2009 and was

⁸² S/PV.6007, pp. 2-3.

responsible for drafting the introduction to the annual report, followed “the precedent set by Viet Nam”, and exchanged views informally with Member States on the annual report on 30 October 2009, before the consideration of the annual report by the General Assembly.⁸³

⁸³ S/PV.6210, p. 2.

V. Secretariat

Note

The present section relates to rules 21-26 of the provisional rules of procedure, which set out the administrative functions and powers of the Secretary-General in connection with meetings of the Security Council. It examines the administrative functions of the Secretariat during the period under review, and includes two case studies,

Rule 21

The Secretary-General shall act in that capacity in all meetings of the Security Council. The Secretary-General may authorize a deputy to act in his place at meetings of the Security Council.

Rule 22

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.

Rule 23

The Secretary-General may be appointed by the Security Council, in accordance with rule 28, as rapporteur for a specified question.

Rule 24

The Secretary-General shall provide the staff required by the Security Council. This staff shall form a part of the Secretariat.

Rule 25

The Secretary-General shall give to representatives on the Security Council notice of meetings of the Security Council and of its commissions and committees.

Rule 26

The Secretary-General shall be responsible for the preparation of documents required by the Security Council and shall, except in urgent circumstances, distribute them at least forty-eight hours in advance of the meeting at which they are to be considered.

Administrative functions of the Secretariat (rules 21-26)

During the period under review, in accordance with existing practice, the Secretary-General and senior officials of the Secretariat attended Council meetings and provided briefings to the Council as requested. The Secretariat also assisted in the functioning of Council meetings, preparation and dissemination of documents, and other activities.

In the debate on working methods of the Security Council in 2008, some speakers discussed the timeliness of the preparation of relevant documentation for the Council's consideration, particularly the reports of the Secretary-General (case 4). On another occasion, one Council member commented on the preparations by the Secretariat for a Security Council mission (case 5).

Case 4
Implementation of the note by the President of
the Security Council (S/2006/507)

At the 5968th meeting, on 27 August 2008, concerning the item entitled “Implementation of the note by the President of the Security Council (S/2006/507)”, the Secretary-General reported that the Secretariat had taken steps to implement the recommendations in that note, including those related to the timeliness, length and content of his reports to the Council, familiarization of elected Council members with the work of the Council and its subsidiary bodies and wider and more user-friendly dissemination of information on the Council’s programme and activities to non-Council members.⁸⁴

Arguing that the question of documentation was relevant if the membership was to be kept updated on decisions and other information related to the Council’s work, the representative of Mexico stated that the reports of the Secretary-General and the special Secretariat briefings to the Council were of particular relevance and a prime source of information on the ground. He acknowledged that significant progress had been achieved in the prompt issuance of reports of the Secretary-General and the inclusion of a specific section on recommendations in those reports, which were useful when it came to the measures that the Council decided to adopt on a given issue.⁸⁵

Two speakers emphasized the need for timely issuance of the Secretary-General’s reports. The representative of Panama considered it vital that those reports be disseminated to all Member States in a timely manner.⁸⁶ Similarly, the representative of Burkina Faso stressed that the timely distribution of reports in all languages in compliance with the note by the President of 26 March 2002⁸⁷ was important for the effectiveness of the Council’s work, as that would enable delegations to make a substantial contribution to debates and allow national authorities to gain useful knowledge of those reports.⁸⁸

⁸⁴ S/PV.5968, p. 2.

⁸⁵ *Ibid.*, p. 26.

⁸⁶ *Ibid.*, p. 12.

⁸⁷ S/2002/316.

⁸⁸ S/PV.5968, p. 18.

Case 5
Security Council mission

At the 6131st meeting, on 28 May 2009, during the briefing on the Security Council mission to Africa carried out from 14 to 21 May 2009, the representative of Costa Rica expressed his dissatisfaction with the Secretariat’s handling of his request for taking his own expert on the Council mission, stating that there were double standards vis-à-vis Council members depending on their status as permanent or elected members. He argued that, although his delegation had given prior notice and indicated to the Secretariat its interest in taking an expert with all the expenses paid by his delegation, the Secretariat had first declined the request by pointing out the lack of space for press members accompanying the mission. When his delegation and others insisted on the inclusion of their respective experts, the Secretariat had invoked an unwritten rule according to which only the heads of the delegation for each country being visited would have the right to bring in experts. Given the rationale provided for the second response, the delegations, including his, had agreed not to bring in experts. Subsequently, he had been surprised to notice the presence of security officers for a specific delegation during the mission to Africa. What was unacceptable was the denial of room for experts whereas there appeared to be no restrictions on security staff and journalists and, worse yet, their participation at the discretion of the Secretariat. He argued that the quality and the work of the Council were ensured by the delegations, not by security personnel or members of the press. He regretted that this situation had arisen because preparation of Council missions was governed by unwritten regulations that could be interpreted arbitrarily. He called on the Council to end this situation and adopt clear standards guiding arrangements relating to Council missions.⁸⁹

⁸⁹ S/PV.6131, pp. 7-8.

VI. Conduct of business

Note

Rules 27-39 of the provisional rules of procedure concern the conduct of business at meetings of the Security Council. In section VI, rules 27, 29, 30 and 33 are featured, while materials relating to rule 28 concerning subsidiary organs of the Security Council are found in parts IX and X. Rules 31 and 32, 34-36 and 38 are covered in the present part in the section entitled “Decision-making and voting”, and rules 37 and 39 in the section entitled “Participation”.

Rule 27

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

Rule 29

The President may accord precedence to any rapporteur appointed by the Security Council.

The Chairman of a commission or committee, or the rapporteur appointed by the commission or committee to present its report, may be accorded precedence for the purpose of explaining the report.

Rule 30

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

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.

In 2008 and 2009, procedural decisions regarding the suspension and adjournment of meetings were taken by the President without any debate or voting by the Security Council. There were no instances where a representative raised a point of order or the President needed to state his ruling. While there was no special application of the provisional rules of procedure concerning conduct of business, the Council continued to search for and implement efficient, effective and transparent ways to conduct meetings. For example, during the period under review, in accordance with paragraph 27 of the note by the President dated 19 July 2006,⁹⁰ the President frequently requested speakers to limit their statements, usually to five minutes, to circulate the full text of their statements in the Council chamber and to deliver a condensed version when speaking in the Chamber. A number of delegations complied with this request. For example, several speakers delivered abbreviated statements at the 5968th meeting, on 27 August 2008, concerning the item entitled “Implementation of the note by the President of the Security Council (S/2006/507)”,⁹¹ and one of them, the representative of the Philippines, later circulated his full statement as a Council document.⁹² At other meetings, without a request from the President, some delegations delivered their statements in an abridged form and circulated the full text.⁹³

In terms of the speaking order under rule 27, during the period under review, when non-Council members were invited to participate in a debate, Council members spoke before Member States invited under rule 37 of the provisional rules of procedure, except for some instances when parties directly

⁹⁰ S/2006/507.

⁹¹ S/PV.5968, pp. 23-24 (Slovakia); pp. 24-25 (Switzerland, on behalf of Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland); pp. 30-31 (Australia); S/PV.5968 (Resumption 1), pp. 8-9 (Philippines).

⁹² S/2008/589.

⁹³ For example, see S/PV.5904, p. 26 (Slovenia, on behalf of the European Union and associated countries); and S/PV.6075, p. 24 (Uganda).

involved spoke before Council members.⁹⁴ Some speakers expressed concern over the stage at which non-members of the Council were allowed to speak vis-à-vis Council members. This topic is covered under the heading entitled “Discussions relating to the speaking order” below.

Discussions relating to the order of speaking

During the period under review, there were instances in which speakers discussed the timing of statements by non-members of the Council vis-à-vis those of the Council members. One was in connection with a Member State that had a direct interest in the matter under consideration (case 6) and another was regarding the place in the speaking order of the representative of a regional organization (case 7).

Case 6 The situation concerning Iraq

At the 5878th meeting, on 28 April 2008, on the situation concerning Iraq, the representative of Costa Rica, citing paragraph 29 of the note by the President of 19 July 2006, which provided that when non-members were invited to speak to the Council, those who had a direct interest in the outcome of the matter under consideration might speak prior to Council members, if appropriate,⁹⁵ said he considered it logical that the representative of Iraq should have the opportunity to give the Council his views, together with the briefers at the meeting. In his opinion, the Council should have heard from the party having a direct interest, in this case Iraq, before members took the floor, as it would have given the Council a clearer view of the situation being discussed and allowed the

Council to comply with its mandate in a more efficient and effective manner.⁹⁶

At that meeting, the representative of Iraq was invited under rule 37 and spoke after all Council members had spoken.⁹⁷

Case 7 The situation in Somalia

At the 6095th meeting, on 20 March 2009, concerning the situation in Somalia, following the briefings by the Special Representative of the Secretary-General for Somalia and the representative of Somalia, the President proposed to give the floor to the Commissioner for Peace and Security of the African Union, who had been invited under rule 39, to make a statement before the Council members. He emphasized that this was an exceptional proposal which should not be construed as setting a precedent. This was in view of the fact that the African Union was an important partner of the United Nations in the peace process in Somalia and had its peacekeeping mission there and that the information the Commissioner would be presenting was “complementary” to the two briefings the Council had heard.⁹⁸

In response, the representative of France expressed reservations concerning the motivation behind the decision. He observed that, given the important relations that the Security Council had with the African Union, it was entirely appropriate to “give due consideration” to the statements by representatives of the African Union. He would nonetheless have had objections to the change in procedure if it was not due to scheduling constraints on the part of the Commissioner. He added that he would have expressed “very serious reservations” if it had been argued that since it was a subject that concerned the African Union the floor would be given to a regional organization before it was given to the Security Council.⁹⁹

The Commissioner spoke immediately after this intervention which occurred before Council members made their statements.¹⁰⁰

⁹⁴ For example, at the 5843rd meeting on 21 February 2008, concerning the situation in Timor-Leste, following a briefing by the Under-Secretary-General for Peacekeeping Operations, the representative of Timor-Leste spoke before Council members and other Member States invited under rule 37. At the 6024th meeting on 26 November 2008, on the situation concerning the Democratic Republic of the Congo, following a briefing by the Special Representative of the Secretary-General for the Democratic Republic of the Congo, the representative of the Democratic Republic of the Congo spoke before Council members and another representative invited under rule 37.

⁹⁵ S/2006/507.

⁹⁶ S/PV.5878, p. 20.

⁹⁷ *Ibid.*, pp. 22-25.

⁹⁸ S/PV.6095, pp. 6-7.

⁹⁹ *Ibid.*, p. 7.

¹⁰⁰ *Ibid.*, pp. 7-9.

VII. Participation

Note

The present section covers the practice of the Security Council in extending invitations to non-members of the Council to participate in Council proceedings. Articles 31 and 32 of the Charter and rules 37 and 39 of the provisional rules of procedure of the Security Council provide for invitations to be extended to non-members of the Council to participate, without vote, in specific circumstances.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

Rule 37

Any Member of the United Nations which is not a member of the Security Council may be invited, as the result of a decision of the Security Council, to participate, without vote, in the discussion of any question brought before the Security Council when the Security Council considers that the interests of that Member are specially affected, or when a Member brings a matter to the attention of the Security Council in accordance with Article 35 (1) of the Charter.

Rule 39

The Security Council may invite members of the Secretariat or other persons, whom it considers competent for the purpose, to supply it with

information or to give other assistance in examining matters within its competence.

During the period 2008-2009, in line with its past practice, the Security Council extended invitations to participate in its meetings “under the relevant provisions of the Charter”, without explicitly referring to the relevant Articles, and under either rule 37 or rule 39 of the provisional rules of procedure. Member States continued to be invited under rule 37 while representatives of the Secretariat, subsidiary organs of the Security Council, United Nations organs, funds and programmes, specialized agencies, regional and other intergovernmental organizations, or other invitees, including representatives of non-governmental organizations, were invited under rule 39.

This section is organized under four main headings: A. Invitations extended under rule 37 (States Members of the United Nations); B. Invitations extended under rule 39 (members of the Secretariat or other persons); C. Invitations not expressly extended under rule 37 or rule 39; and D. Discussions relating to participation, which includes one case study.

A. Invitations under rule 37 (States Members of the United Nations)

1. Basis for invitations to Member States

In accordance with the relevant Articles and rules, all States, whether or not Members of the United Nations, can be invited to participate in Council meetings when (a) a State Member of the United Nations brings a matter to the attention of the Council in accordance with Article 35 (1) of the Charter (rule 37);¹⁰¹ (b) a Member State or a non-Member State is a party to a dispute under consideration by the Council (Article 32); and (c) the interests of a Member State are “specially affected” (Article 31 and rule 37).

2. Practice regarding invitations to Member States, 2008-2009

During the period under review, the procedure for extending invitations to Member States to participate in

¹⁰¹ For more information, see part VI, sect. I, with regard to referral of disputes or situations to the Security Council.

the Council's proceedings remained the same. Member States requested the invitations in letters addressed to the President of the Council, which were not issued as documents of the Council. At the beginning or during the course of Council meetings, the President informed the Council of the receipt of such letters and proposed that, with the consent of the Council, the invitations be extended "under the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure", without referring explicitly to the specific Articles. As controversial requests for invitations to Member States were discussed and agreed upon among Council members prior to the convening of the meeting, including, but not only, at informal consultations of the whole, invitations at Council meetings were extended as a matter of course and without discussion.

As in previous years, Member States invited under rule 37 sometimes spoke in other capacities, for example, on behalf of regional or international organizations or groups of States.¹⁰²

3. Renewal of invitations

Renewal of invitations to Member States was usually automatic if the meeting was resumed. Moreover, unless otherwise mentioned, invitations to Member States under rule 37 extended at the first of several consecutive meetings held concerning the same agenda item were automatically renewed at each of the meetings.¹⁰³

¹⁰² At the 5824th meeting, on 22 January 2008, the representative of Pakistan, invited under rule 37, spoke on behalf of the Organization of the Islamic Conference (OIC) (S/PV.5824 (Resumption 1), p. 4). At the 5834th meeting, on 12 February 2008, the representative of Iceland spoke on behalf of the five Nordic countries, Denmark, Finland, Iceland, Norway and Sweden (S/PV.5834, p. 28).

¹⁰³ At the 5921st meeting, held on 23 June 2008 concerning "Peace and security in Africa", the representative of Zimbabwe, who had been invited under rule 37 at the 5919th and 5920th (closed) meetings on the same item, was invited to take a seat at the Council table "pursuant to the decision taken at the 5919th meeting" (S/PV.5921, p. 2). Similarly, an invitation was extended to the representative of Chad at the 5981st meeting, held on 24 September 2008, on the basis of the invitation under rule 37 extended to him at the 5980th meeting (S/PV.5981, p. 2).

4. Complaints concerning requests for invitations denied or not acted upon

While there was no instance during the period under review where the request from a Member State to participate in a Council meeting was put to a vote or denied at a public meeting, there were a few occasions when Member States complained that their requests for participation in meetings were denied. For example, in his letter dated 26 September 2008 addressed to the President of the Security Council, the representative of Cuba, in his capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement, regretted that the Council had refused "once again" a "legitimate" request from the Movement to participate in the 5983rd meeting, held on that day, concerning the situation in the Middle East, including the Palestinian question. He held that the refusal had prevented the Movement from expressing its views and making proposals, as the issue discussed was of great relevance to the 118 States which made up the Movement, including the overwhelming majority of Middle Eastern States. The statement prepared by the Non-Aligned Movement for the 5983rd meeting was attached to the letter.¹⁰⁴

B. Invitations under rule 39 (members of the Secretariat or other persons)

1. Basis for invitations to members of the Secretariat or other persons

In accordance with rule 39 of the provisional rules of procedure, "members of the Secretariat or other persons" are invited to supply the Council with information or give other assistance in examining matters within its competence.

Following past practice, invitations under rule 39 were extended to representatives of Member States on an exceptional basis, only if their participation was in a role other than as representative of their State, for example, as Chairpersons of the Peacebuilding Commission and its country-specific configurations.¹⁰⁵ The Council no longer invited its members under rule 39 in their role as heads of Security Council

¹⁰⁴ S/2008/625.

¹⁰⁵ See, for example, the 5860th meeting on 26 March 2008 and the 5889th meeting on 12 May 2008.

missions and Chairpersons of Security Council subsidiary bodies.¹⁰⁶

2. Practice concerning invitations under rule 39, 2008-2009

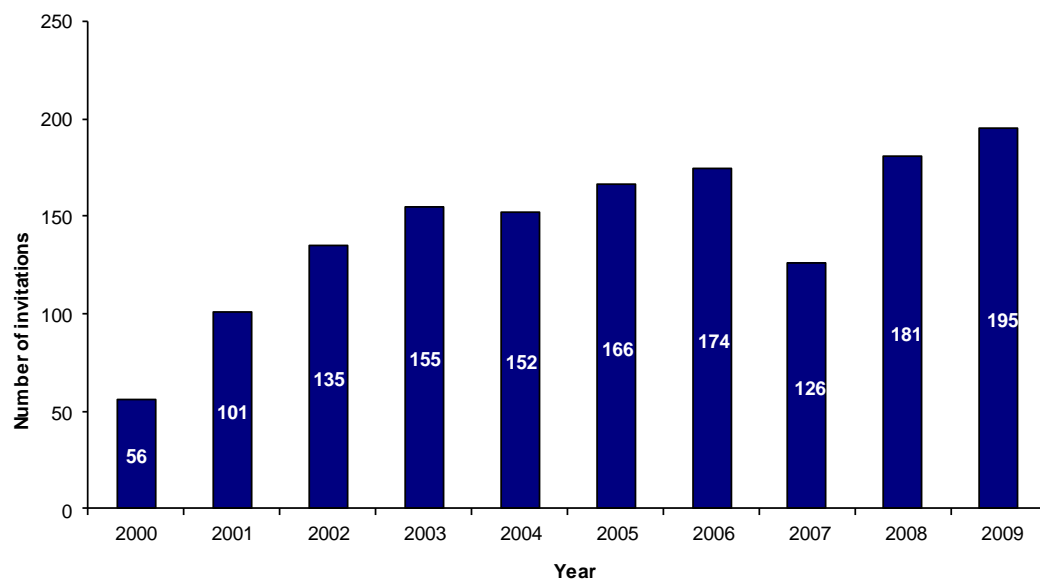
During the two years under review, a total of 376 invitations were extended under rule 39, 181 in 2008

¹⁰⁶ The Council had ceased to invite under rule 39 its members who served as heads of its missions and Chairpersons of Security Council subsidiary bodies since the 5315th meeting in 2005 and the 5601st meeting on 20 December 2006, respectively.

and 195 in 2009. The number of invitations extended under rule 39 jumped from 56 in 2000 to 195 in 2009, increasing nearly three and a half times.¹⁰⁷ The number of invitations under rule 39 in 2009 was the highest since 2000 (see figure V).

¹⁰⁷ For the list of invitees under rule 39 from 2000 to 2007, see chapter III, annex II, of Supplement 2000-2003 and Supplement 2004-2007 to the *Repertoire*.

Figure V
Invitations extended under rule 39, 2000-2009



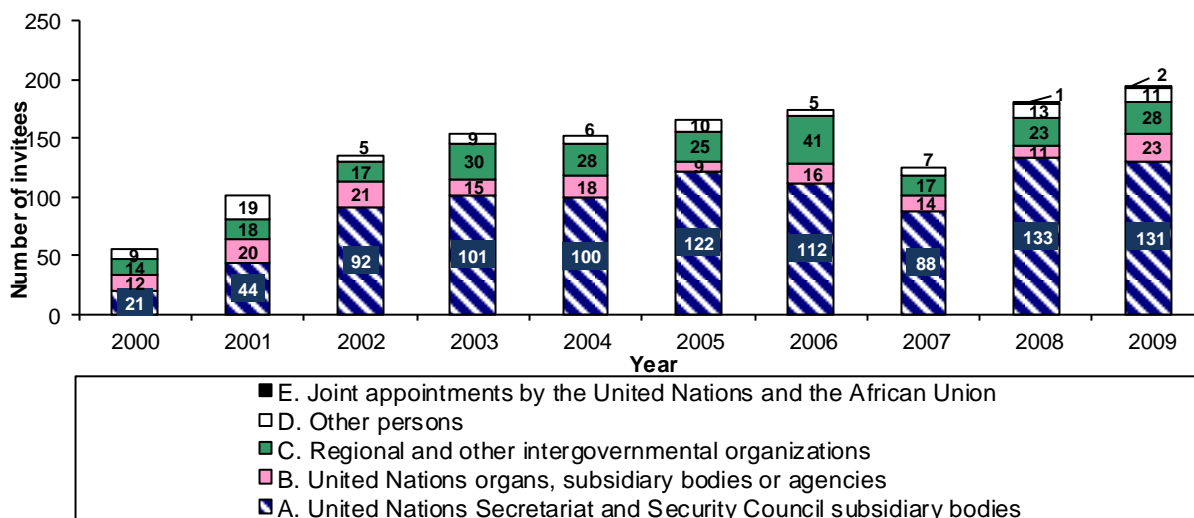
3. Invitees under rule 39 by category

The invitations under rule 39 during the period under review have been grouped into the following five categories, including a new category of joint appointments by the United Nations and the African Union which did not exist in the past: (a) United Nations Secretariat and Security Council subsidiary bodies; (b) United Nations organs, subsidiary bodies or agencies; (c) regional and other intergovernmental organizations; (d) other persons; and (e) joint appointments by the United Nations and the African Union.

The invitations extended to the category of the United Nations Secretariat and the Security Council subsidiary bodies continued to account for the highest proportion of the total number of invitations in both years under review, the number of which reached its highest in 2008 over the ten-year period (2000-2009). The invitations in this category jumped from 21 in 2000 to 133 in 2008 and 131 in 2009. For the breakdown of invitations by category from 2000 to 2009,¹⁰⁸ see figure VI.

¹⁰⁸ For the new category E, data is available only for 2008 and 2009.

Figure VI
Rule 39 invitees by category



4. First-time invitations under rule 39

During the period under review, 13 invitations were extended to participate for the first time in Council meetings under rule 39 (see table 12). Of those, three fell under the new category of joint appointments by the United Nations and the African Union. The representatives of the Holy See and the Sovereign Military Order of Malta were also invited under rule 39 for the first time.¹⁰⁹ In the past, the

representative of the Holy See had been invited to participate “in accordance with the understanding reached in prior consultations”, no rules or Articles being explicitly invoked.¹¹⁰ In the case of the representative of the Sovereign Military Order of Malta, the request for his participation at the 6216th meeting was made by the representative of Austria in a letter dated 10 November 2009.¹¹¹ This was the first time that an invitation had been extended to the representative of the Sovereign Military Order of Malta to participate in the Council proceedings since the Order was granted observer status at the United Nations in 1994.

¹⁰⁹ The first invitation under rule 39 to the representative of the Holy See was extended at the 6017th meeting, on 19 November 2008. The representative of the Sovereign Military Order of Malta was invited under rule 39 to participate in the 6216th meeting, on 11 November 2009.

¹¹⁰ See, for example, S/PV.4709 (Resumption 1), p. 2.

¹¹¹ S/PV.6216, p. 2.

Table 12
Invitations under rule 39, 2008-2009

<i>Category</i>	<i>Invitee</i>	<i>Meeting and date</i>	<i>Items</i>
United Nations Secretariat and Security Council subsidiary bodies	Special Adviser on the International Compact with Iraq and Other Issues	5910 13 June 2008	The situation concerning Iraq
	Chairman of the African Union-United Nations panel on modalities for support to African Union operations	6092 18 March 2009	Peace and security in Africa
	Director of United Nations Support Office for the African Union Mission in Somalia	6197 8 October 2009	The situation in Somalia
United Nations organs, subsidiary bodies or agencies	Secretary-General of the International Maritime Organization	6020 20 November 2008	The situation in Somalia
	Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East	6077 27 January 2009	The situation in the Middle East, including the Palestinian question
Regional and other intergovernmental organizations	General Manager of the Department of the Caribbean Countries of the Inter-American Development Bank	6101 6 April 2009	The question concerning Haiti
Other persons	Mr. Skender Hyseni	5944 25 July 2008	Security Council resolutions 1160 (1998) , 1199 (1998) , 1203 (1998) , 1239 (1999) and 1244 (1999)
	Permanent Observer of the Holy See to the United Nations	6017 19 November 2008	Maintenance of international peace and security
	Mr. Romano Prodi	6206 26 October 2009	Peace and security in Africa
	Minister for International Cooperation and Humanitarian Affairs of the Sovereign Military Order of Malta	6216 11 November 2009	Protection of civilians in armed conflict
Joint representative of the United Nations and the African Union	Joint African Union/United Nations Special Envoy	5872 22 April 2008	Reports of the Secretary-General on the Sudan

<i>Category</i>	<i>Invitee</i>	<i>Meeting and date</i>	<i>Items</i>
	Joint African Union-United Nations Special Representative for Darfur	6112 27 April 2008	Reports of the Secretary-General on the Sudan
	Joint African Union-United Nations Chief Mediator for Darfur	6227 30 November 2009	Reports of the Secretary-General on the Sudan

5. Other noteworthy invitations under rule 39

In 2008 and 2009, the Security Council continued the practice of extending invitations under rule 39 to representatives of Kosovo, under their names, in connection with the item entitled “Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)”. Late in 2007, the Council extended the first formal invitation to Mr. Fatmir Sejdiu under rule 39 at a private meeting.¹¹² The Council invited Kosovo Albanian representatives under rule 39, under their names, eight times during the period under review.¹¹³ The first invitation to a Kosovo Albanian representative under rule 39 to participate in a public meeting was extended at the 5917th meeting, on 20 June 2008.¹¹⁴

6. Renewal of invitations extended under rule 39

As in the case of invitations extended under rule 37, the renewal of invitations under rule 39 was automatic if the meeting was resumed. Unless otherwise indicated, invitations extended at the first meeting of consecutive meetings concerning the same item were automatically renewed at each meeting without the need to invoke rule 39.¹¹⁵

¹¹² S/PV.5811, p. 2.

¹¹³ Mr. Hashim Thaçi was invited at the 5822nd (closed) and 5871st (closed) meetings, on 16 January and 21 April 2008, respectively. Mr. Fatmir Sejdiu was invited at the 5917th meeting, on 20 June 2008. Mr. Skender Hyseni was invited at the 5944th, 6025th, 6097th, 6144th and 6202nd meetings, on 25 July 2008, 26 November 2008, 23 March 2009, 17 June 2009 and 15 October 2009, respectively.

¹¹⁴ S/PV.5917, p. 2.

¹¹⁵ See, for example, the 6048th meeting, on 17 December

C. Invitations not expressly extended under rule 37 or rule 39

In 2008 and 2009, in addition to the invitations extended under rule 37 and rule 39 of provisional rules of procedure, the Security Council extended some invitations not expressly under rule 37 or rule 39 (see table 13).

Invitations to representatives of Palestine, who requested participation by means of letters, fell into this category, in accordance with past practice. They were invited to participate in the meeting “in accordance with the provisional rules of procedure and the previous practice in this regard” at 20 meetings during the two years under review.

There were two other instances in 2008-2009 when an invitation was extended without any rule being expressly invoked. At one meeting, on 21 January 2009, the Under-Secretary-General for Political Affairs, who delivered the statement of the Secretary-General, was not invited expressly under rule 39.¹¹⁶ At another meeting, on 29 April 2009, Grace Akallo, a former child soldier of Uganda, was not invited expressly under rule 39 when she spoke before the Council.¹¹⁷

2008, concerning the situation in the Middle East, at which the Commissioner of the International Independent Investigation Commission was invited “pursuant to the invitation extended at the 6047th meeting of the Council” (S/PV.6048, p. 2).

¹¹⁶ S/PV.6072, pp. 2-3. The Secretary-General was unable to deliver the statement and the Under-Secretary-General had to replace him at short notice.

¹¹⁷ S/PV.6114, pp. 10-11.

Table 13
Invitations not expressly extended under rule 37 or rule 39, 2008-2009

<i>Invitee</i>	<i>Meeting and date</i>	<i>Item</i>
Palestine ^a	5824 (22 January 2008), 5827 (30 January 2008)	The situation in the Middle East, including the Palestinian question
	5834 (12 February 2008)	Children and armed conflict
	5847 (1 March 2008), 5859 (25 March 2008)	The situation in the Middle East, including the Palestinian question
	5898 (27 May 2008)	Protection of civilians in armed conflict
	5940 (22 July 2008), 5983 (26 September 2008), 6030 (3 December 2008), 6049 (18 December 2008), 6060 (31 December 2008), 6061 (6 January 2009), 6063 (8 January 2009)	The situation in the Middle East, including the Palestinian question
	6066 (14 January 2009)	Protection of civilians in armed conflict
	6078 (closed) (29 January 2009)	Maintenance of international peace and security
	6100 (25 March 2009)	The situation in the Middle East, including the Palestinian question
	6151 (26 June 2009)	Protection of civilians in armed conflict
	6171 (27 July 2009), 6201 (14 October 2009)	The situation in the Middle East, including the Palestinian question
	6216 (11 November 2009)	Protection of civilians in armed conflict
Under-Secretary-General for Political Affairs	6072 (21 January 2009)	The situation in the Middle East, including the Palestinian question
Grace Akallo	6114 (29 April 2009)	Children and armed conflict

^a The representatives were at the level of the President or Minister for Foreign Affairs of the Palestinian National Authority, or Permanent Observer.

D. Discussions relating to participation

There was no formal discussion concerning invitations of Member States or individuals to participate in meetings in 2008 and 2009. However, during the meeting in 2008 concerning working methods of the Security Council, speakers engaged in

discussions underlining the importance of the participation of non-members of the Council, including Member States that were directly involved or specially affected, in the Council's discussions, including their right to speak (case 8).

Case 8
Implementation of the note by the President of
the Security Council (S/2006/507)

In the debate held on 27 August 2008 on the implementation of the note by the President of the Security Council dated 19 July 2006,¹¹⁸ a number of speakers stressed the need for the effective participation of non-Council members, including Member States that were directly involved or specifically affected, in discussions of the Council.¹¹⁹

The representative of Pakistan regretted that, while the Council was far from implementing Articles 31 and 32 of the Charter in the case of informal consultations, there had been instances in which the most directly concerned parties had been denied participation in open meetings.¹²⁰ Similarly, the representative of Cuba, speaking on behalf of the Non-Aligned Movement, maintained that the Council must comply with the provisions of Article 31 of the Charter which allowed any non-Council member to participate in discussions on matters affecting it. He further argued that it was necessary to increase the number of public meetings, in accordance with Articles 31 and 32, as those meetings provided real opportunities to take into account the views and contributions of all Member States, particularly the interests of non-Council members when issues concerning them were under discussion.¹²¹

Supporting the right of non-members of the Council to be invited to Council meetings, some speakers stressed the right of the invitees to be heard. The representative of Viet Nam commended the Council's commitment pursuant to paragraph 29 of the note by the President of 19 July 2006, stating that during the first six months of 2008 the concerned countries had spoken first on 25 occasions at 34 meetings.¹²² On the other hand, the representative of the Islamic Republic of Iran complained that on numerous occasions, the Council had failed to honour its responsibility with regard to "the rights of non-Council members", by refusing to allow non-Council members to participate

or brief the Council on matters affecting them and their interest, "in total disregard of Article 31". Furthermore, he expressed his dissatisfaction with the Council since on many occasions it had denied an opportunity to concerned countries to speak before a vote was taken, allowing them to speak only after the Council had taken a decision and its members had made their statements, despite the provision in paragraph 29 of the note by the President which stated that, when non-members were invited to speak to the Council, those who had a direct interest in the outcome of the matter under consideration might speak prior to Council members.¹²³

The representative of the Philippines demanded that Member States that were not members of the Security Council but were the subjects of the Council's scrutiny should have the right to appear before the Council at all stages of the proceedings concerning them to state or defend their positions on the issues. Calling it "a denial of due process" and "a violation of the basic principle of the rule of law", he argued that such participation by non-members of the Council was unfairly limited by rule 37, which allowed their participation only as a result of a Council decision and only when the Council considered that their interests were specially affected or when they brought a matter to the attention of the Council in accordance with Article 35 (1) of the Charter. He therefore recommended that rule 37 be amended to provide that such States had the right to be present and to be heard during all proceedings related to such scrutiny and in any subsequent action that might arise from there.¹²⁴

The representative of the Netherlands maintained that all States parties to or directly affected by a conflict on the Council's agenda, as well as relevant regional organizations, should have the right to speak before the Council and should be able to exercise that right by making a simple request to the Council which should be granted automatically. That right should also extend beyond the Council's subsidiary bodies and include the Security Council's plenary discussions, either in closed or open meetings, except for closed consultations on Council statements or resolutions. While arguing that non-State parties to a conflict should also be given the possibility to address the Council at their request, the representative of the

¹¹⁸ S/2006/507.

¹¹⁹ S/PV.5968, p. 8 (Croatia); p. 10 (France); S/PV.5968 (Resumption 1), p. 9 (Philippines); p. 12 (Islamic Republic of Iran); p. 17 (Austria); p. 20 (Netherlands); p. 24 (Pakistan); and p. 26 (Poland).

¹²⁰ S/PV.5968 (Resumption 1), p. 24.

¹²¹ S/PV.5968, p. 33.

¹²² S/PV.5968, p. 11.

¹²³ S/PV.5968 (Resumption 1), p. 12.

¹²⁴ *Ibid.*, p. 9.

Netherlands further opined that it must remain the Council's prerogative to decide which of those requests it would grant and in which specific situations. The Council might limit access to its deliberations to written contributions which should be all parties' basic right. This basic right could be denied only to those parties that had been blacklisted by the Council as terrorist organizations.¹²⁵

¹²⁵ Ibid., p. 20.

The representative of the United Kingdom proposed that the Informal Working Group on Documentation and Other Procedural Questions could consider the Council practice regarding the use of rule 39 of the provisional rules of procedure to allow parties to a conflict that were not Member States to take advantage of the scope offered by that rule.¹²⁶

¹²⁶ S/PV.5968, p. 18.

VIII. Decision-making and voting

Note

The present section examines the practice of the Security Council on decision-making, with a primary focus on Article 27 of the Charter of the United Nations and rule 40 of the provisional rules of procedure dealing with voting. It also deals with rules 31 and 32, 34-36 and 38, which govern the various aspects of voting on draft resolutions, amendments and substantive motions.

Article 27, together with rule 40, governs voting in the Council, providing that decisions on procedural matters require an affirmative vote of 9 out of 15 Council members and that decisions on substantive matters are made by an affirmative vote of nine Council members including all the permanent members. Rules 31, 32, 34-36 and 38 deal with the conduct of business in the context of voting: rule 31 concerns the introduction of proposed resolutions, amendments and substantive motions. Rules 32, 34, 36 and 38 specify the voting procedures, such as the order in which draft resolutions and amendments are put to a vote, separate voting on parts of a draft resolution or motions, seconding a draft resolution or motions, sponsorship by non-members of the Council, and withdrawal of draft resolutions.

Article 27

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of

nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

Rule 31

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

Rule 32

Principal motions and draft resolutions shall have precedence in the order of their submission.

Parts of a motion or of a draft resolution shall be voted on separately at the request of any representative, unless the original mover objects.

Rule 34

It shall not be necessary for any motion or draft resolution proposed by a representative on the Security Council to be seconded before being put to a vote.

Rule 35

A motion or draft resolution can at any time be withdrawn so long as no vote has been taken with respect to it.

If the motion or draft resolution has been seconded, the representative on the Security Council who has seconded it may require that it be put to the vote as his motion or draft resolution with the same right of precedence as if the original mover had not withdrawn it.

Rule 36

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

Rule 38

Any Member of the United Nations invited in accordance with the preceding rule, or in application of Article 32 of the Charter, to participate in the discussions of the Security Council may submit proposals and draft resolutions. These proposals and draft resolutions may be put to a vote only at the request of a representative on the Security Council.

Rule 40

Voting in the Security Council shall be in accordance with the relevant Articles of the Charter and of the Statute of the International Court of Justice.

During 2008-2009, rule 31 was routinely applied. As there were no instances of motions or amendments requiring voting, submission of competing draft resolutions, withdrawal of draft resolutions, or requests for separate voting on parts of a draft resolution, rules 32, 35 and 36 were not invoked during those two years.

This section, featuring six case studies, is organized under three main headings: A. Decisions of the Security Council in 2008 and 2009; B. Sponsorship in accordance with rule 38; C. Decision-making by voting; D. Decision-making without a vote; and E. Discussions concerning the decision-making process.

A. Decisions of the Security Council in 2008 and 2009

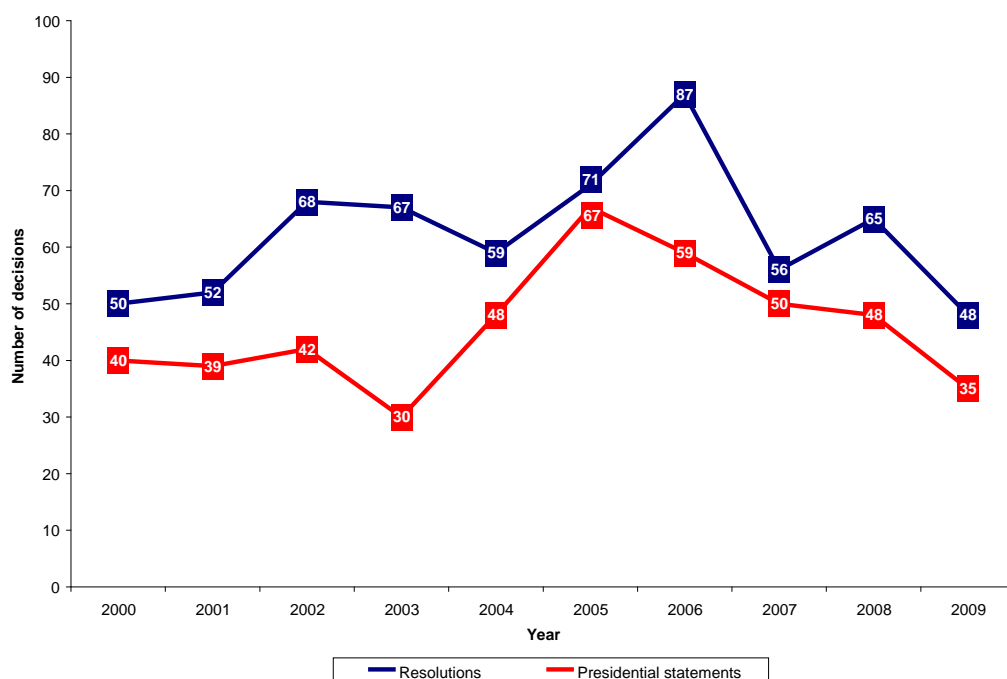
During the period under review, at its meetings, in addition to procedural decisions, the Security Council adopted resolutions and presidential statements. Decisions of the Council were also recorded in the form of notes or letters by the President of the Security Council which were issued as documents of the Council.¹²⁷

1. Resolutions and presidential statements: statistics

During the two-year period, the Security Council adopted 113 resolutions and 83 presidential statements. In 2009, 48 resolutions and 35 presidential statements were adopted, representing a significant drop in terms of the number of resolutions and presidential statements adopted annually since 2000 (see figure VII).

¹²⁷ For the texts of all resolutions, presidential statements and procedural decisions taken at Security Council meetings, and notes or letters issued by the President during the period under review, see the yearly volumes of *Resolutions and Decisions of the Security Council* (S/INF/63, S/INF/64 and S/INF/65).

Figure VII
Number of resolutions and presidential statements, by year, 2000-2009



2. Multiple decisions at one meeting

While the standard practice of the Council is to adopt a single decision at a meeting, there were five instances during this two-year reporting period when the Council took more than one decision at a single meeting. Four were in connection with the extension of the

mandate of the United Nations Disengagement Observer Force (UNDOF), as the Council had done in the past, and one related to the situation concerning the Democratic Republic of the Congo. In all five instances, a presidential statement was issued immediately following the adoption of a resolution (see table 14).

Table 14
Meetings at which more than one decision was taken, 2008-2009

Meeting and date	Item	Decisions
5828 30 January 2008	The situation concerning the Democratic Republic of the Congo	Resolution 1797 (2008) S/PRST/2008/2
5926 27 June 2008	The situation in the Middle East	Resolution 1821 (2008) S/PRST/2008/25
6039 12 December 2008	The situation in the Middle East	Resolution 1848 (2008) S/PRST/2008/46
6148 23 June 2009	The situation in the Middle East	Resolution 1875 (2009) S/PRST/2009/18
6241 16 December 2009	The situation in the Middle East	Resolution 1899 (2009) S/PRST/2009/34

B. Sponsorship in accordance with rule 38

A draft resolution may be submitted by any member of the Council. According to rule 38 of the provisional rules of procedure, a member of the United Nations which is not a member of the Council may also submit a proposal, but it can be put to the vote only at the request of a Council member. Those Member States which submit a draft resolution become sponsors/

co-sponsors of the draft resolution. A draft resolution can become a presidential text if all the Council members agree.

In 2008 and 2009, 115 draft resolutions in total were considered by the Council; 87 draft resolutions were sponsored texts, accounting for 76 per cent of the total, while 28 or 24 per cent of the total were presidential texts; 24 of the 87 draft resolutions were sponsored by non-Council members (see table 15).

Table 15

Draft resolutions sponsored by non-members of the Security Council, 2008-2009

<i>Draft resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Adopted resolution</i>	<i>Council member sponsors</i>	<i>Non-member sponsors</i>
S/2008/124	The situation in Timor-Leste	5844 25 February 2008	1802 (2008)	South Africa	Australia, New Zealand, Portugal
S/2008/284	The situation concerning Western Sahara	5884 30 April 2008	1813 (2008)	France, Russian Federation, United Kingdom, United States	Spain
S/2008/351	The situation in Somalia	5902 2 June 2008	1816 (2008)	Belgium, Croatia, France, Italy, Panama, United Kingdom, United States	Australia, Canada, Denmark, Greece, Japan, Netherlands, Norway, Republic of Korea, Spain
S/2008/403	Women and peace and security	5916 19 June 2008	1820 (2008)	Belgium, Burkina Faso, Costa Rica, Croatia, France, Italy, Panama, South Africa, United Kingdom, United States	Armenia, Australia, Austria, Bulgaria, Canada, Chile, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Ireland, Israel, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Nigeria, Norway, Poland, Portugal, Republic of Korea, Romania,

Part II. Provisional rules of procedure and related procedural developments

<i>Draft resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Adopted resolution</i>	<i>Council member sponsors</i>	<i>Non-member sponsors</i>
					San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Republic of Tanzania
S/2008/447	Peace and security in Africa	5933 11 July 2008	Not adopted owing to negative votes of China and Russian Federation	Belgium, Croatia, France, Italy, United Kingdom, United States	Australia, Canada, Liberia, Netherlands, New Zealand, Sierra Leone
S/2008/624	Non-proliferation	5984 27 September 2008	1835 (2008)	Belgium, China, Croatia, France, Italy, Russian Federation, United Kingdom, United States	Germany
S/2008/633	The situation in Somalia	5987 7 October 2008	1838 (2008)	Belgium, Croatia, France, Italy, Panama, United Kingdom, United States	Canada, Denmark, Greece, Japan, Lithuania, Malaysia, Netherlands, Norway, Portugal, Republic of Korea, Singapore, Spain
S/2008/642	The question concerning Haiti	5993 14 October 2008	1840 (2008)	Belgium, Costa Rica, Croatia, France, Italy, Panama, United States	Argentina, Brazil, Canada, Chile, Ecuador, Guatemala, Mexico, Paraguay, Peru, Spain, Uruguay
S/2008/720	The situation in Bosnia and Herzegovina	6021 20 November 2008	1845 (2008)	Belgium, Croatia, France, Italy, Russian Federation, United Kingdom, United States	Germany

Repertoire of the Practice of the Security Council, 2008-2009

<i>Draft resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Adopted resolution</i>	<i>Council member sponsors</i>	<i>Non-member sponsors</i>
S/2008/748	The situation in Somalia	6026 2 December 2008	1846 (2008)	Belgium, Croatia, France, Italy, United Kingdom, United States	Australia, Canada, Denmark, Greece, Japan, Malaysia, Netherlands, Norway, Portugal, Republic of Korea, Singapore, Spain, Ukraine
S/2008/789	The situation in Somalia	6046 16 December 2008	1851 (2008)	Belgium, Croatia, France, Panama, United States	Greece, Liberia, Republic of Korea, Spain
S/2009/37	The situation in Somalia	6068 16 January 2009	1863 (2009)	Burkina Faso, Libyan Arab Jamahiriya, Turkey, Uganda, United States	Burundi, Italy
S/2009/111	The situation in Timor-Leste	6086 26 February 2009	1867 (2009)	France, Japan, Turkey, United Kingdom, United States	Australia, Malaysia, New Zealand, Portugal
S/2009/154	The situation in Bosnia and Herzegovina	6099 25 March 2009	1869 (2009)	Austria, Croatia, France, Russian Federation, Turkey, United Kingdom, United States	Germany, Italy
S/2009/224	The situation concerning Western Sahara	6117 30 April 2009	1871 (2009)	France, Russian Federation, United Kingdom, United States	Spain
S/2009/301	Non-proliferation/ Democratic People's Republic of Korea	6141 12 June 2009	1874 (2009)	France, Japan, United Kingdom, United States	Republic of Korea
S/2009/310	The situation in Georgia	6143 15 June 2009	Not adopted owing to negative vote of Russian Federation	Austria, Croatia, France, Turkey, United Kingdom, United States	Germany

Part II. Provisional rules of procedure and related procedural developments

<i>Draft resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Adopted resolution</i>	<i>Council member sponsors</i>	<i>Non-member sponsors</i>
S/2009/399	Children and armed conflict	6176 4 August 2009	1882 (2009)	Austria, Burkina Faso, Costa Rica, Croatia, France, Japan, Mexico, Turkey, United Kingdom, United States	Argentina, Australia, Belgium, Benin, Canada, Chile, Comoros, Côte d'Ivoire, Czech Republic, Denmark, Finland, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Kazakhstan, Latvia, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Peru, Portugal, Republic of Korea, Rwanda, Slovenia, South Africa, Spain, Sweden, Switzerland, United Republic of Tanzania, Uruguay
S/2009/489	Women and peace and security	6195 30 September 2009	1888 (2009)	Austria, Burkina Faso, Costa Rica, Croatia, France, Japan, Mexico, Turkey, United Kingdom, United States	Albania, Argentina, Armenia, Australia, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Côte d'Ivoire, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Estonia, Finland, Georgia, Germany, Ghana, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Latvia, Liberia, Liechtenstein, Lithuania,

Repertoire of the Practice of the Security Council, 2008-2009

<i>Draft resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Adopted resolution</i>	<i>Council member sponsors</i>	<i>Non-member sponsors</i>
					Luxembourg, Malta, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Panama, Poland, Portugal, Republic of Korea, Romania, Rwanda, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Republic of Tanzania
S/2009/500	Women and peace and security	6196 5 October 2009	1889 (2009)	Austria, Burkina Faso, Costa Rica, Croatia, France, Japan, Mexico, Turkey, Uganda, United Kingdom, United States, Viet Nam	Cambodia, Finland, India, Italy, Lao People's Democratic Republic, Norway, Philippines, Singapore, South Africa
S/2009/530	The question concerning Haiti	6200 13 October 2009	1892 (2009)	Austria, Burkina Faso, Costa Rica, Croatia, France, Japan, Mexico, Turkey, Uganda, United Kingdom, United States, Viet Nam	Argentina, Brazil, Canada, Chile, Colombia, Guatemala, Peru, Spain, Uruguay

Part II. Provisional rules of procedure and related procedural developments

<i>Draft resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Adopted resolution</i>	<i>Council member sponsors</i>	<i>Non-member sponsors</i>
S/2009/582	Protection of civilians in armed conflict	6216 11 November 2009	1894 (2009)	Austria, Burkina Faso, Costa Rica, Croatia, France, Japan, Mexico, United Kingdom, United States	Azerbaijan, Belgium, Benin, Canada, Cyprus, Czech Republic, Estonia, Finland, Germany, Greece, Italy, Liechtenstein, Lithuania, Luxembourg, Netherlands, Norway, Republic of Moldova, Slovakia, Slovenia, Sweden, Switzerland, United Republic of Tanzania
S/2009/591	The situation in Bosnia and Herzegovina	6220 18 November 2009	1895 (2009)	Austria, Croatia, France, Russian Federation, Turkey, United Kingdom, United States	Germany, Italy
S/2009/607	The situation in Somalia	6226 30 November 2009	1897 (2009)	France, Russian Federation, Turkey, United Kingdom, United States	Belgium, Bulgaria, Canada, Cyprus, Denmark, Germany, Greece, Italy, Liberia, Luxembourg, Marshall Islands, Netherlands, Norway, Panama, Portugal, Republic of Korea, Republic of Moldova, Romania, Seychelles, Singapore, Somalia, Spain, Sweden, Ukraine

On one occasion, a delegation called for amending rule 38 of the provisional rules of procedure to eliminate the requirement of endorsement by a Council member to bring to a vote a draft resolution sponsored by non-Council members (case 9).

Case 9

Implementation of the note by the President of the Security Council (S/2006/507)

At the 5968th meeting, on 27 August 2008, under the item entitled “Implementation of the note by the President of the Security Council (S/2006/507)”, the representative of the Philippines argued that Member States that were not members of the Council but were the subjects of the Council’s scrutiny should have the right to appear before the Council at all stages of the proceedings concerning them to state or defend their positions. He held that such participation was currently “unfairly limited” by rules 37 and 38 of the provisional rules of procedure. Citing rule 38, he stated that, while any Member State that was invited to participate under rule 37 or in application of Article 32 of the Charter might submit proposals and draft resolutions, those proposals or draft resolutions could be put to a vote only at the request of a Council member. If the sponsoring State had no friends in the Council, the right to make proposals was rendered meaningless, making the proposal or draft resolution an exercise in futility. He, therefore, recommended that rule 38 be amended to provide that proposals or draft resolutions submitted by such a State be discussed, acted upon and put to a vote by the Security Council without a prior request from a Council member.¹²⁸

C. Decision-making by voting

According to Article 27 (2) and 27 (3) of the Charter, Security Council decisions “on procedural

¹²⁸ S/PV.5968 (Resumption 1), p. 9; see also sect. VII above, case 8.

matters” shall be made by an affirmative vote of nine Council members, while an affirmative vote of nine Council members “including the concurring votes of the permanent members” is required for decisions on “all other matters”, that is, non-procedural matters. Most votes in the Council do not indicate by themselves whether the Council considers the matter voted upon to be procedural or substantive. This is particularly the case when a proposal is adopted by a unanimous vote; when all permanent members vote in favour of a proposal; or when a proposal fails to obtain the necessary nine votes in its favour. However, in the instances when a proposal obtains nine or more votes, with one or more permanent members casting a negative vote, and the proposal is adopted, it indicates that the matter considered by the Council is procedural. If the proposal is not adopted, that indicates that the matter is substantive. On certain occasions, in its early years, the Council found it necessary to decide, by vote, the question whether the matter under consideration was procedural within the meaning of Article 27 (2), which has come to be termed, after the language used in the San Francisco Statement on Voting Procedure, “the preliminary question”. In recent years, however, the Council has not had occasion to examine the preliminary question. Furthermore, procedural motions such as the adoption of the agenda, the extension of invitations to participants and the suspension or adjournment of a meeting were regularly approved by the Council without a vote and, when such motions were voted upon, they were treated as procedural matters. That continued to be the case in 2008 and 2009: no instances of voting on procedural matters were found in those two years.

1. Adoption of resolutions

During the period 2008-2009, the vast majority of resolutions — 106 out of 113 resolutions or 94 per cent — were adopted unanimously. Seven resolutions that were not adopted unanimously are listed in table 16.

Table 16
Resolutions not adopted unanimously, 2008-2009

<i>Resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Vote (for-against-abstaining)</i>	<i>Negative vote</i>	<i>Abstention</i>
1803 (2008)	Non-proliferation	5848 3 March 2008	14-0-1		Indonesia
1828 (2008)	Reports of the Secretary-General on the Sudan	5947 31 July 2008	14-0-1		United States
1850 (2008)	The situation in the Middle East, including the Palestinian question	6045 16 December 2008	14-0-1		Libyan Arab Jamahiriya
1860 (2009)	The situation in the Middle East, including the Palestinian question	6063 8 January 2009	14-0-1		United States
1873 (2009)	The situation in Cyprus	6132 29 May 2009	14-1-0	Turkey	
1898 (2009)	The situation in Cyprus	6239 14 December 2009	14-1-0	Turkey	
1907 (2009)	Peace and security in Africa	6254 23 December 2009	13-1-1	Libyan Arab Jamahiriya	China

2. Rejection of draft resolutions

According to Article 27 (3) of the Charter, a draft resolution on non-procedural matters is not adopted when it fails to obtain the necessary nine votes in favour or when a permanent member casts a negative vote. During the period 2008-2009, while there were

no instances of rejection of draft resolutions for lack of sufficient, that is, nine affirmative votes, two draft resolutions were rejected because of the negative vote of a permanent member (see table 17). Illustrated below are the interpretation of the use of the right of veto and related proposals made by Member States during the debate on working methods (case 10).

Table 17
Draft resolutions not adopted because of the negative vote of a permanent member, 2008-2009

<i>Draft resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Vote (for-against-abstaining)</i>	<i>Permanent member(s) casting a negative vote</i>
S/2008/447	Peace and security in Africa	5933 11 July 2008	9-5-1	China, Russian Federation
S/2009/310	The situation in Georgia	6143 15 June 2009	10-1-4	Russian Federation

Case 10
Implementation of the note by the President of the Security Council (S/2006/507)

At the open debate concerning working methods of the Security Council, held on 27 August 2008 under the item entitled “Implementation of the note by the President of the Security Council (S/2006/507)”, a few speakers held that permanent members should not cast negative votes in the event of genocide, crimes against humanity and grave violations of international humanitarian law.¹²⁹ The representative of Cuba, speaking on behalf of the Non-Aligned Movement, reiterated the need to reform and democratize the decision-making process of the Council, including limiting and curtailing the use of the veto, with a view to its eventual elimination.¹³⁰ Similarly, the representative of Egypt added that the right of veto should not be used in connection with efforts to halt hostilities between warring parties.¹³¹

The representative of Canada held that the veto was not, and had never been meant to be, a “tool to avoid debate on certain issues”, although there had been several occasions in the recent past when the spectre of the veto had the effect of dampening debate and delaying much-needed action. For that reason, he proposed that any use of the veto should be publicly explained and justified.¹³²

The representative of Argentina voiced concern over the use of the veto, arguing that its use or the threat of its use operated as a procedural device when permanent members pursued their national interests, a process that affected both the working methods and the effectiveness of the Council in achieving its objective of enforcing international peace and security.¹³³

3. Abstention, non-participation or absence

In accordance with Article 27 (3), a party to a dispute under the scrutiny of the Council shall abstain

from voting in decisions under Chapter VI of the Charter. Such abstention is called an obligatory abstention, while abstention otherwise than in accordance with the proviso to Article 27 (3) is categorized as a voluntary abstention. During the period 2008-2009, there was no obligatory abstention. As shown in table 16, there were five voluntary abstentions by Council members. Among them, there were three cases in which a permanent member voluntarily abstained from voting. It should be noted, however, that the abstention of a permanent member did not prevent the adoption of these draft resolutions.

In 2008 and 2009, there were no instances of non-participation by any Council members, nor any instances in which votes were taken in their absence.

D. Decision-making without a vote

During the period 2008-2009, there was no instance of a resolution being adopted without a vote; all 113 resolutions were adopted by a show of hands. In accordance with the past practice of the Council, no votes were taken on decisions in the form of statements by the President on behalf of the Security Council, which required consensus to be adopted. A total of 83 presidential statements issued in 2008 and 2009 were all read out at the meetings.

Concerning notes or letters by the President of the Security Council issued during the period under review, no votes were taken on them and many were simply issued as documents of the Council.¹³⁴ In accordance with past practice, there were two occasions during the period 2008-2009 on which the issuance of the notes was announced at formal meetings. On both occasions, the President, by the notes, informed the Council that the draft report of the Security Council to the General Assembly had been adopted without a vote (see table 18).

¹²⁹ S/PV.5968, p. 25 (Switzerland, on behalf Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland); S/PV.5968 (Resumption 1), p. 3 (Egypt); and p. 10 (Canada).

¹³⁰ S/PV.5968, p. 33.

¹³¹ S/PV.5968 (Resumption 1), p. 3.

¹³² *Ibid.*, p. 10.

¹³³ *Ibid.*, p. 16.

¹³⁴ For the full list of notes by the President of the Security Council issued in 2008 and 2009, see part I of the reports of the Security Council to the General Assembly at its sixty-third, sixty-fourth and sixty-fifth sessions (A/63/2, A/64/2 and A/65/2). For the full list of letters from the President issued in 2008 and 2009, see appendix IV of those reports.

Table 18
Notes by the President announced at formal meetings, 2008-2009

<i>Meeting</i>	<i>Date</i>	<i>Item</i>	<i>Note by the President</i>
6007	30 October 2008	Consideration of the draft report of the Security Council to the General Assembly	S/2008/678
6210	29 October 2009	Consideration of the draft report of the Security Council to the General Assembly	S/2009/559

E. Discussions concerning the decision-making process

In 2008, 14 years after the Security Council held the first debate on its working methods,¹³⁵ the Council held a second debate on the same subject, during which the decision-making process of the Council was one of many issues discussed (see case 11). Three other case studies include material (a) underlining the need for a transparent decision-making process in negotiating the terms of reference of Security Council missions (case 12); (b) illustrating a call for full participation of all Council members in the decision-making process leading up to the adoption of a resolution (case 13); and (c) concerning the negotiation process on a draft resolution in the context of the situation concerning Western Sahara (case 14).

Case 11 Implementation of the note by the President of the Security Council ([S/2006/507](#))

The concept paper¹³⁶ for the debate under the item entitled “Implementation of the note by the President of the Security Council ([S/2006/507](#))”, recalled paragraph 42 of the annex to the note by the President, which expressed the commitment of Council members, when drafting resolutions, presidential statements and press statements, as appropriate, to informally consult with the broader United Nations membership, in particular interested Member States, including countries directly involved or specifically affected, neighbouring States and countries with particular contributions to make, as well as with regional organizations and groups of friends.

At the 5968th meeting, on 27 August 2008, in connection with the availability of draft decisions to non-Council members, a number of delegations emphasized the need for Council members to share such draft documents more frequently and systematically with non-members, preferably as soon as they had been introduced in informal consultations.¹³⁷

The representative of Tonga, speaking on behalf of the Pacific Islands Forum, held that draft resolutions and statements circulated among Council members were often trimmed and edited before reaching informal consultations and summaries of those discussions were not readily available to non-members. He argued that such a practice made it hard for non-members to be readily informed of the Council’s work and to provide meaningful input into the process, even in rare opportunities such as open debates.¹³⁸ In a similar vein, the representative of the Islamic Republic of Iran opined that despite paragraph 42 of the note by the President, interested Member States, including those directly involved or specifically affected countries, were “kept totally uninformed” of the negotiations on draft decisions directly affecting them, let alone being asked for their views on such decisions.¹³⁹ Other speakers also called for the inclusion of the views and concerns of non-members of the Council, particularly of concerned and affected States, and regional organizations, in the drafting and negotiation process.¹⁴⁰ The representative of Costa Rica stated that a decision-making process that did not include transparent and direct communication of the Council, as a whole, with interested parties, could

¹³⁵ 3483rd meeting, on 16 December 1994, under the item entitled “Security Council working methods and procedure”.

¹³⁶ [S/2008/528](#).

¹³⁷ [S/PV.5968](#), p. 28 (Iceland, on behalf of the five Nordic countries, Denmark, Finland, Iceland, Norway and Sweden); p. 29 (New Zealand); and p. 34 (Brazil).

¹³⁸ [S/PV.5968](#) (Resumption 1), p. 22.

¹³⁹ *Ibid.*, pp. 11-12.

¹⁴⁰ *Ibid.*, p. 3 (Egypt); p. 5 (Belarus); p. 10 (France); p. 13 (Ecuador); p. 17 (Austria); and p. 26 (Poland).

not be considered legitimate.¹⁴¹ The representative of Austria was of the view that, as the effectiveness of the implementation of Council decisions depended on participation by Member States, the legitimacy of those decisions might depend on the participation of Member States through their involvement in the decision-making process, particularly when the Council adopted a resolution of a legislative character under Chapter VII of the Charter.¹⁴²

With regard to the drafting process of decisions and circulation of texts among Council members, the representative of China held that such texts should be circulated to all as soon as possible, to allow Council members enough time to consult their capitals.¹⁴³ The representative of Burkina Faso, citing the note by the President issued in 1999,¹⁴⁴ which recommended that all Council members should be able to fully participate in the drawing up of Council decisions and have sufficient time for doing so, stressed that submitting the texts of draft decisions just before the deadline for their adoption, even if they were supported by groups of friends or other external partners, was “a practice to be avoided”. He further held that the Council should use the groups of friends as little as possible as they could hinder transparency and lead to frustration.¹⁴⁵ Expressing similar concern about the role of the groups of friends and contact groups in drafting process, the representative of South Africa argued that those small groups drew on Member States from outside the Council, mostly or entirely developed countries, usually operated in secrecy, and often imposed their views on the rest of the Council membership by drafting resolutions that the Council was then expected to endorse “without any further discussion”. He added that the Council’s work with such groups was an innovative and useful tool for reaching out to and consulting with the broader membership, but these innovations were beneficial only if they complemented the work of the Council in an open, accountable and transparent manner.¹⁴⁶

In terms of the process of finalizing decisions, the representative of Belarus proposed separating, in time, open meetings and the adoption of decisions by their

outcomes so that the results of the discussion could be reflected in the outcome decisions, therefore providing “genuine, and not just nominal, evidence of the Council’s greater openness”. He regretted that under the current practice of organizing open meetings, non-members of the Council had the right to address the Council but, in theory, no opportunity to have any impact on a Council decision.¹⁴⁷ In connection with interaction and consultations with troop-contributing countries, several speakers went further, to stress the need and importance of inputs from troop-contributing countries in decision-making, in particular, relating to the establishment, renewal and modification of the mandates of the relevant missions and in cases of deterioration of the situations.¹⁴⁸ The representative of India pointed out, as one of the problems besetting the Council, that troop-contributing countries had long sought to be involved in decision-making in peacekeeping operations, rather than being consulted in a pro forma manner.¹⁴⁹ The representative of Uruguay, echoed by the representative of Jordan, stated that troop-contributing countries wanted to have a “real” opportunity to express their views in instances where mandate changes were under discussion, given the possible consequences for their forces, including their safety and security. They considered it appropriate that meetings with troop-contributing countries be held with sufficient notice, and that those consultations be reflected in Council decisions.¹⁵⁰

Case 12 Security Council mission

At the 6131st meeting, on 28 May 2009, concerning the Security Council mission to Africa conducted from 14 to 21 May 2009, the representative of Costa Rica commented that some of the terms of reference were adopted very shortly before the departure date. Citing his experience with preparations for the Council mission to Haiti earlier that year, he opined that its terms of reference had been agreed upon in a transparent process of early negotiation, through broad

¹⁴¹ S/PV.5968, p. 14.

¹⁴² S/PV.5968 (Resumption 1), p. 17.

¹⁴³ S/PV.5968, p. 6.

¹⁴⁴ S/1999/165.

¹⁴⁵ S/PV.5968, p. 18.

¹⁴⁶ *Ibid.*, p. 15.

¹⁴⁷ S/PV.5968 (Resumption 1), p. 5.

¹⁴⁸ S/PV.5968, p. 4 (Indonesia); p. 25 (Switzerland, on behalf of Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland); pp. 31-32 (Uruguay); p. 36 (Jordan); S/PV.5968 (Resumption 1), p. 10 (Canada); p. 13 (Ecuador); p. 19 (Republic of Korea); and p. 24 (Pakistan).

¹⁴⁹ S/PV.5968 (Resumption 1), p. 18.

¹⁵⁰ S/PV.5968, pp. 31-32 (Uruguay); and p. 36 (Jordan).

participation of all the delegations and with adequate time for discussion. On the other hand, although most of the suggestions were ultimately accepted, the process of preparing for the terms of reference for the Council mission to Africa did not benefit from transparency or the necessary time for reflection. He held that the situation occurred because Council missions were ruled by unwritten regulations that could be interpreted arbitrarily, and that should end.¹⁵¹

Case 13
Non-proliferation/Democratic People's Republic of Korea

At the 6141st meeting, on 12 June 2009, after the unanimous adoption of resolution 1874 (2009) by which, inter alia, the Council condemned the nuclear test conducted by the Democratic People's Republic of Korea on 25 May 2009, the representative of Mexico pointed out that the fuller and more cohesive the participation of the Council members, the stronger the message of the resolution. He emphasized that addressing issues of international security — non-proliferation, nuclear disarmament and the use of nuclear energy for peaceful purposes — could not be the monopoly of a group of States. Indeed, since it concerned the whole international community and the Security Council acted on behalf of the Member States in accordance with the Charter, every member of the Council, not just a few of them, had the responsibility to actively participate in seeking resolutions to those issues that jeopardized the maintenance of international peace and security.¹⁵²

¹⁵¹ S/PV.6131, p. 7.

¹⁵² S/PV.6141, p. 5.

Case 14
The situation concerning Western Sahara

At the 5884th meeting, on 30 April 2008, before the voting on the draft resolution¹⁵³ on the situation concerning Western Sahara, the representative of Costa Rica expressed his concern at the manner in which the draft resolution had been negotiated. Regretting that the proposals of his delegation to include a reference to the human rights component and respect for international law were not reflected, he was concerned that the Group of Friends had sidelined the members of the Security Council in preparing the texts of draft resolutions and in consensus-building. He warned that such a negotiation process would harm the Council's legitimacy and transparency. He stated that those proposals were withdrawn by his delegation before the voting only to maintain the unity of the Council.¹⁵⁴

The representative of South Africa added that the Group of Friends had once again failed to be receptive to any substantial changes to the text that had initially been agreed to by the Group. He pointed out that the Group of Friends was not interested in genuinely negotiating with the Security Council on the text. He regretted that through this process the Security Council, which bore the primary responsibility for the maintenance of international peace and security under the Charter, was undermined by a group of like-minded countries and individuals who chose to determine the fate of the people of Western Sahara.¹⁵⁵

¹⁵³ S/2008/251.

¹⁵⁴ S/PV.5884, p. 3.

¹⁵⁵ Ibid., p. 4.

IX. Languages

Rules 41-47, covered in section IX, concern the official and working languages of the Security Council, interpretation and the languages of meeting records and published resolutions and decisions.

Rule 41

Arabic, Chinese, English, French, Russian and Spanish shall be both the official and the working languages of the Security Council.

Rule 42

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

Rule 43

[Deleted]

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.

Rule 45

Verbatim records of meetings of the Security Council shall be drawn up in the languages of the Council.

Rule 46

All resolutions and other documents shall be published in the languages of the Security Council.

Rule 47

Documents of the Security Council shall, if the Security Council so decides, be published in any language other than the languages of the Council.

During the period under review, rules 41-47 were consistently applied. There were several meetings at which speakers delivered their statements in a language other than the six official languages of the Security Council in accordance with rule 44.¹⁵⁶

¹⁵⁶ For example, at the 5930th meeting, on 9 July 2008, concerning the situation in Afghanistan, the Foreign Minister of Afghanistan spoke in Dari (S/PV.5930, p. 8) and at the 6191st meeting, on 24 September 2009, concerning the maintenance of international peace and security, the President of Croatia and the Prime Minister of Turkey spoke in Croatian and Turkish, respectively, and English texts were provided by the delegations (S/PV.6191, p. 5 and p. 16).

X. Provisional status of the rules of procedure

Note

Although Article 30 of the Charter provides that the Security Council shall adopt its own rules of procedure, since the adoption of the provisional rules of procedure at its first meeting, held on 17 January 1946, the Council has continued to use its provisional rules of procedure, as last amended in 1982.¹⁵⁷ This section covers relevant discussions in the Council concerning the provisional status of the rules of procedure.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

¹⁵⁷ The provisional rules of procedure of the Security Council were amended 11 times between 1946 and 1982: five times during its first year, at the 31st, 41st, 42nd, 44th and 48th meetings, on 9 April, 16 and 17 May and 6 and 24 June 1946; twice in its second year, at the 138th and 222nd meetings, on 4 June and 9 December 1947; at the 468th meeting on 28 February 1950; 1463rd meeting, on 24 January 1969; 1761st meeting, on 17 January 1974; and 2410th meeting, on 21 December 1982. The provisional rules have been issued under the symbol S/96 and Rev.1-7, the latest version under the symbol S/96/Rev.7.

Discussions concerning the provisional status of the rules of procedure

During the period, there was one meeting on the topic of working methods of the Council at which speakers touched upon the issue of the provisional status of the rules of procedure of the Council (see case 15).

Case 15 Implementation of the note by the President of the Security Council (S/2006/507)

At the 5968th meeting, on 27 August 2008, on the item entitled "Implementation of the note by the President of the Security Council" (S/2006/507), a few speakers touched upon the provisional status of the rules of procedure of the Security Council.¹⁵⁸

¹⁵⁸ S/PV.5968, p. 7 (Libyan Arab Jamahiriya); p. 15 (South Africa); p. 19 (Burkina Faso); p. 33 (Cuba, on behalf of the Non-Aligned Movement); S/PV.5968 (Resumption 1), pp. 8-9 (Philippines); and p. 18 (India).

The representative of the United States said that the Council took seriously the Charter mandate in Article 30 that it should adopt its rules of procedure.¹⁵⁹

In the view of the representative of South Africa, although the Council in recent years had adopted various measures aimed at improving its working methods, as long as the rules of procedure remained provisional, those changes would always seem “inadequate”.¹⁶⁰ Some speakers called for a formal adoption of the rules of procedure that had remained provisional for over 60 years.¹⁶¹ The representative of Cuba, speaking on behalf of the Non-Aligned Movement, added that formalization of the rules would improve the Council’s transparency and accountability.¹⁶² The representative of the Philippines

opined that, given that there had been only six revisions to the rules in 62 years, the rules of procedure had gained a very high degree of permanency. The Security Council was the only principal organ of the United Nations which had retained or maintained provisional rules of procedure. The provisional character of the 62-year-old rules of procedure of the Council appeared to be a conundrum in judicial practice. Therefore, he pressed the Council to adopt formal rules of procedure as part of its commitment to the rule of law.¹⁶³ The representative of Austria¹⁶⁴ referred to the report on the United Nations Security Council and the rule of law, prepared by the Austrian Initiative, in which the Council’s continued reliance on provisional rules of procedure, rather than its adopting formal rules under Article 30 of the Charter, was considered to be a small and easily-remedied example of ongoing indeterminacy in the work of an important institution.¹⁶⁵

¹⁵⁹ S/PV.5968, p. 10.

¹⁶⁰ *Ibid.*, p. 15.

¹⁶¹ *Ibid.*, p. 19 (Burkina Faso); p. 33 (Cuba, on behalf of the Non-Aligned Movement); S/PV.5968 (Resumption 1), pp. 8-9 (Philippines).

¹⁶² S/PV.5968, p. 33. The same position was reiterated in the final document of the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, held at Sharm el-Sheikh from 11 to 16 July 2009 (S/2009/514, para. 66.9).

¹⁶³ S/PV.5968 (Resumption 1), p. 9.

¹⁶⁴ *Ibid.*, p. 16.

¹⁶⁵ S/2008/270, annex, para. 13.

