

# ARTICLE 30

## Table of Contents

	<u>Paragraphs</u>
Text of Article 30	
Introductory Note . . . . .	1 - 4
Summary of Practice . . . . .	5 - 58
A. Adoption and amendment of the provisional rules of procedure. .	15 - 26
1. Considerations arising from the nature of the Security Council as the organ charged with primary responsibility for the maintenance of international peace and security . . . . .	15 - 24
2. Method of adopting or amending the rules of procedure . . . . .	25 - 26
B. Essential features of the provisional rules of procedure . . . . .	27 - 51
1. Agenda (rules 6-12) . . . . .	27 - 35
a. Circulation of communications . . . . .	28
b. The provisional agenda . . . . .	29 - 31
c. Adoption of the agenda . . . . .	32
d. Matters of which the Security Council is seized . . . . .	33 - 35
2. Representation and credentials (rules 13-17) . . . . .	36
3. Conduct of business (rules 27-36) . . . . .	37 - 51
a. Order of speaking . . . . .	37 - 38
b. Presidential rulings . . . . .	39 - 46
i. Raising of points of order . . . . .	39
ii. Powers of the President with regard to rulings . . . . .	40 - 44
iii. Challenges to the presidential rulings . . . . .	45 - 46
c. Order of precedence of proposals . . . . .	47
d. Separation of vote . . . . .	48 - 51
C. Presidency . . . . .	52 - 58



## TEXT OF ARTICLE 30

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

## INTRODUCTORY NOTE

1. This study provides a general indication of the stages at which the various portions of the provisional rules of procedure were adopted or amended by the Security Council, together with an account of special considerations governing the adoption and amendment of the provisional rules. <sup>1/</sup>
2. Those essential features of the rules which appear to be of some constitutional significance are examined partly in this study and partly in the studies on the other Articles to which they more clearly relate. This method of treatment has been followed for the sake of convenience of presentation. The account given in this section is designed to cover some essential features which are not easily or conveniently presented elsewhere in the Repertory. It should be noted that a number of the rules dealt with in this study also relate in some degree to the provisions of Articles other than Article 30. This applies particularly to the rules on agenda; further information on this point is provided in paragraph 27 below.
3. The following rules have been dealt with under other Articles of this Repertory: rules 1-5 under Article 28, rule 4 also involving application of various other Articles; rules 21-26 under the Articles contained in Chapter XV; rules 37 and 38 under Articles 31, 32 and 35; rule 40 under Article 27; and rules 58-60 under Article 4. Rule 39 is covered in part under Article 32.
4. The Summary of Practice, in addition to a general account of the chronological aspects of adoption and amendment of the provisional rules, consists of three parts. The first, entitled "Adoption and amendment of the provisional rules of procedure", contains an examination of certain characteristics of the rules as a whole, and also provides an indication of the methods followed in adopting and amending the rules. The second, entitled "Essential features of the provisional rules of procedure", contains a brief and selective review of certain aspects of the Council's practice in connexion with its rules; it is limited to those features which appear to have constitutional importance, and does not cover practice regarded as involving normal application of the provisional rules. The third part, entitled "Presidency", gives a brief indication of aspects of practice regarding the Presidency of the Council.

---

<sup>1/</sup> For the present text of the provisional rules of procedure, see United Nations Publication, Sales No. 1952.I.18. For information on previous editions of the provisional rules, see paras. 5-14 below.

## SUMMARY OF PRACTICE

5. The Preparatory Commission of the United Nations formulated a set of provisional rules of procedure 2/ which it recommended to the Security Council. They were divided into chapters entitled: "Meetings", "Agenda", "Presidency", "Secretariat", "Conduct of business", "Languages", "Voting", "Publicity of meetings", "Records" and "Admission of new Members of the United Nations".

6. At its first meeting on 17 January 1946, the Security Council first adopted the rule regarding selection of the President which had been recommended by the Preparatory Commission, and then adopted, without change, the remaining provisional rules of procedure recommended by the Preparatory Commission. The Council also decided 3/ at the same meeting to establish a Committee of Experts, composed of one expert for each member of the Council, to examine and report on those rules of procedure.

7. At its 23rd meeting on 16 February 1946, the Council postponed consideration of a report 4/ from the Committee of Experts and asked 5/ it to review the provisional rules of procedure further in the light of the experience gained by the Council during its first month of activity.

8. A later report 6/ of the Committee of Experts covering chapters I to V of the provisional rules of procedure was considered, amended and adopted 7/ by the Security Council at its 31st meeting on 9 April 1946. The provisional rules of procedure concerned were divided into chapters entitled "Meetings", "Agenda", "Representation and credentials", "Presidency" and "Secretariat". The annex relating to non-governmental communications was also adopted at the same time.

9. At its 41st meeting on 16 May 1946, the Security Council took up consideration of a report 8/ of the Committee of Experts containing revised provisional rules of procedure in chapters entitled "Conduct of business", "Voting", "Languages", "Publicity of meetings, Records", and "Admission of new Members" (chapters VI to X). The provisional rules contained in chapters VI through IX were amended and approved 9/ at that meeting, while the rules contained in chapter X entitled "Admission of new Members" were considered and adopted 10/ at the 42nd meeting on 17 May 1946.

10. In a report 11/ dated 31 May 1946, the Committee of Experts proposed two additional provisional rules of procedure, to be included in chapter V, concerning the powers of the Secretary-General in relation to the Security Council. These additional rules were adopted 12/ by the Security Council at its 44th meeting on 6 June 1946.

---

2/ S C, 1st yr., 1st Series, Suppl. No. 1, Annex 1, pp. 3-6.

3/ S C, 1st yr., 1st Series, No. 1, 1st mtg., pp. 4 and 11.

4/ S C, 1st yr., 1st Series, Suppl. No. 2, Annex 1a (S/6).

5/ S C, 1st yr., 1st Series, No. 1, 23rd mtg., p. 368.

6/ For the text of the rules recommended by the Committee of Experts in its report, see S C, 1st yr., 1st Series, No. 2, 31st mtg., pp. 103, 107, 108, 111, 112 and 115-117, S/29.

7/ S C, 1st yr., 1st Series, No. 2, 31st mtg., pp. 100-118.

8/ S C, 1st yr., 1st Series, Suppl. No. 2, Annex 1d (S/57).

9/ S C, 1st yr., 1st Series, No. 2, 41st mtg., pp. 254-261.

10/ S C, 1st yr., 1st Series, No. 2, 42nd mtg., pp. 271-277.

11/ S C, 1st yr., 1st Series, Suppl. No. 2, Annex 1f (S/71).

12/ S C, 1st yr., 1st Series, No. 2, 44th mtg., pp. 310 and 311.

11. At the 48th meeting on 24 June 1946, the Security Council adopted 13/ an additional provisional rule of procedure regarding the temporary session of the Presidency of the Security Council, which had been proposed by the Committee of Experts in a report 14/ dated 17 June.
12. At the 138th meeting on 4 June 1947, the Security Council adopted a new chapter of its provisional rules of procedure - chapter XI - dealing with relations with other United Nations organs. The new rule, which constitutes that chapter, was adopted 15/ at the suggestion of the General Assembly to conform with a rule which the General Assembly had adopted relating to elections of members of the International Court of Justice.
13. Following consultations, initiated at the request of the General Assembly, between an Assembly committee on procedures and a sub-committee of the Committee of Experts, and after consideration of the matter by both the Security Council and the General Assembly, the Council decided 16/ at its 222nd meeting on 9 December 1947 to amend rules 58 and 60 of its provisional rules of procedure relating to the admission of new Members.
14. At the 468th meeting on 28 February 1950, after having received from the Committee of Experts a report on proposals for amending the provisional rules of procedure regarding representation and credentials which had been suggested by the representative of India, the Security Council adopted 17/ an amendment to rule 13 of its provisional rules of procedure.

#### A. Adoption and amendment of the provisional rules of procedure

##### 1. *Considerations arising from the nature of the Security Council as the organ charged with primary responsibility for the maintenance of international peace and security*

15. In formulating rules of procedure for the Security Council, one of the fundamental ideas underlying the approach to the question by its members would appear to have been that the rules should in no way detract from the flexibility of the Council in carrying out its responsibilities, and accordingly that too great detail should be avoided in its rules. This emphasis on the idea that the Council at all times remains, in accordance with the provisions of Article 30, the master of its own procedure has been expressed more forcefully in the course of the Council's proceedings when considering the question of applying its provisional rules of procedure; it has also been evident in the discussions on adoption and amendment of the rules.
16. In this connexion it may be pointed out that the Security Council, unlike the General Assembly, has continued to this day to be guided in its discussions by provisional rules of procedure. The Committee of Experts appointed by the Council to examine the provisional rules of procedure decided 18/ at its 19th meeting on 3 April 1946 that its report to the Council with regard to chapters I-IV of the rules should indicate, in general terms only, the changes made in relation to the provisional

---

13/ S C, 1st yr., 1st Series, No. 2, 48th mtg., p. 382.  
14/ S C, 1st yr., 1st Series, Suppl. No. 2, annex 1h (S/88).  
15/ S C, 2nd yr., No. 43, 138th mtg., pp. 949-952.  
16/ S C, 2nd yr., No. 106, 222nd mtg., p. 2771.  
17/ S C, 5th yr., No. 10, 468th mtg., p. 11.  
18/ S/Procedure/39.

rules submitted by the Preparatory Commission and provisionally adopted by the Council, and should also make it clear that the rules recommended were provisional and subject to amendment, in the light of the Committee's consideration of further provisional rules of procedure. The Committee of Experts' report, 19/ which was considered by the Security Council at its 31st meeting on 9 April 1946, recommended that the entire body of rules should continue to be regarded as provisional in character.

17. One occasion on which this provisional character of the rules was illustrated in practice occurred at the 362nd meeting on 5 October 1948, when the Council was examining its competence to consider the question relating to Berlin. The representative of Belgium had moved as a point of order that the Council should adopt its agenda and make the decision to include the item in its agenda before embarking on a full consideration of questions relating to its competence. The President, acknowledging that in accordance with rule 30 the President shall state his ruling on any point of order raised by a representative, stated that in the first place the Belgian motion had not been put into concrete form. He added: 20/

"I should, however, like to point out here that in a discussion of this character and scope, where universal interests are at stake, hard and fast rules of this kind which restrict the freedom of expression of members of Security Council cannot be applied."

18. Both in the records of the Council's consideration of the adoption and amendment of its provisional rules of procedure and in the reports made to the Council by its Committee of Experts, a number of instances may be cited which illustrate the basic importance attributed to the idea of flexibility. Such instances occur in the consideration of the formulation of the provisional rules relating to languages, 21/ access to the records of private meetings, 22/ conduct of business (in that no provision was made for the closure of debate) 23/ and the delegation to the President of power to approve formally the records of meetings. 24/ The following cases have been selected as representative of the attitude of the Council which resulted in the establishment of flexible rules of procedure and the maintenance of their provisional character.

19. In his report 25/ of 31 May 1946 on rules concerning the powers of the Secretary-General in relation to the Security Council, the Chairman of the Committee of Experts explained that the Committee had felt that the rule (present rule 28) stating that the Security Council may appoint a rapporteur for a specified question was rather generally worded, and should be interpreted in the sense that, in principle, only a representative on the Council or the Secretary-General should be appointed as rapporteur. It was agreed, however, that it would not be advisable to exclude the possibility that the Council might, in exceptional circumstances, appoint as rapporteur

---

19/ For the text of the rules recommended by the Committee of Experts in its report, see S C, 1st yr., 1st Series, No. 2, 31st mtg., pp. 103, 107, 108, 111, 112 and 115-117, S/29.

20/ S C, 3rd yr., No. 114, 362nd mtg., p. 7.

21/ S C, 1st yr., 1st Series, Suppl. No. 1, Annex 1b, pp. 6-8.

22/ S C, 1st yr., 1st Series, Suppl. No. 2, pp. 1-8, Annex 1a (S/6), and pp. 23 and 24, Annex 1d (S/57).

23/ S C, 1st yr., 1st Series, No. 1, 1st mtg., p. 3, and

S C, 1st yr., 1st Series, Suppl. No. 2, Annex 1d (S/57), pp. 24 and 25.

24/ S C, 1st yr., 1st Series, Suppl. No. 2, Annex 1d (S/57), pp. 22 and 23.

25/ S C, 1st yr., 1st Series, Suppl. No. 2, Annex 1d (S/57), pp. 24 and 25.

26/ S C, 1st yr., 1st Series, Suppl. No. 2, Annex 1f (S/71), pp. 39 and 40.

another person whose duties especially qualified him for the task. It was too early in the Council's experience to foresee whether such a need might not conceivably occur at some future date.

20. In his report 26/ of 13 May 1946 on the work of the Committee of Experts, the Chairman stated, with regard to the chapter of the rules relating to voting (chapter VII), that it had been the view of certain members of the Committee that that chapter should contain detailed provisions covering both the mechanics of the vote and the majorities by which the various decisions of the Council should be taken. After an exchange of views on the subject in the Committee, however, it had been agreed to postpone the further study of the question and to recommend the retention for the time being of the provisional rule stating simply that voting in the Security Council should be in accordance with the relevant Articles of the Charter and of the Statute of the International Court of Justice.

21. In the same connexion, the Council in August 1947 considered General Assembly resolution 40 (I) regarding voting procedure in the Security Council. Since there was objection to a proposal to refer certain of the recommendations of the Assembly to the Committee of Experts with instructions to consider the matter and to report to the Council as to what action it might take to comply with the recommendations of the General Assembly, the Council decided 27/ to refer the subject as a whole to the Committee. A number of provisional draft rules of procedure relating to voting were submitted 28/ to the Committee by the representative of the United States, but no discussion of the matter occurred.

22. Articles 31 and 32 of the Charter contain provisions regarding the participation in meetings of the Security Council of States which are not members of the Council, and the provisional rules of procedure 29/ first adopted by the Council did not deal with the matter. They did include an added provision that the Council might invite members of the Secretariat or other persons, whom it considered competent for the purpose, to supply it with information or to give other assistance in examining matters within its competence (present rule 39). After the Council had functioned under these provisions for a few months, the Committee of Experts, in continuing its study of the provisional rules of procedure, gave further consideration to this matter. It was pointed out 30/ to the Committee that while the Articles in question provided for invitation to any Member of the United Nations if it was a party to a dispute, and also if, in the Council's opinion, the interests of the Member were specially affected, no Article of the Charter provided for the participation in the deliberations of a Member, not a member of the Security Council, which brought a situation before the Council. By this time the Council had already set the precedent of inviting 31/ to the Council table Member States, not members of the Council, which had presented complaints to the Council. After studying the question, the Committee of Experts recommended two additional rules dealing with participation in the Council's discussions of Members of the United Nations which were not members of the Council. The first embodied the principle contained in Article 31 that the Council might invite to participate, without vote, in its meetings a Member whose interests the Council considered to be

26/ S C, 1st yr., 1st Series, Suppl. No. 2, Annex 1d (S/57), p. 23.

27/ S C, 2nd yr., No. 85, 197th mtg., pp. 2267-2281.

28/ S/C.1/160.

29/ S C, 1st yr., 1st Series, Suppl. No. 1, Annex 1, pp. 3-6.

30/ S C, 1st yr., 1st Series, Suppl. No. 2, Annex 1b (S/Procedure/12), pp. 13 and 14.

31/ Such invitations were extended to Iran (S C, 1st yr., 1st Series, No. 1, 2nd mtg., p. 19) and to the Ukrainian SSR (S C, 1st yr., 1st Series, No. 1, 12th mtg., p. 174).

specially affected, and added the further provision that the Council might also invite a Member which brought "a matter" to the attention of the Council in accordance with Article 35 (1) of the Charter. The second new rule provided that a Member so invited might submit proposals and draft resolutions, which could be put to a vote only at the request of a representative on the Council. This latter recommendation was made, the Committee explained, to preserve expressly the integrity of the rights and authority of the Council. The Committee remarked further that it did not think it advisable to make any special provision for Members invited in accordance with Article 32 of the Charter, because under that Article an invitation was mandatory. Neither did the Committee give consideration 32/ to rules governing the conditions under which States not Members of the United Nations could participate in the Council's discussions; it also did not examine the rights which could be granted to those States in such circumstances. The fact that the Committee also failed to undertake any consideration of what limitations might be placed on the interpretation of rule 39 regarding invitation to any person whom the Council considered competent to supply it with information or assist it in examining matters within its competence, has also contributed to preserving for the Security Council considerable freedom of action in questions relating to invitations to participate in its proceedings.

23. With regard to the provisional rules of procedure of the Security Council concerning the admission of new Members, discussion arose concerning Article 4 of the Charter and the respective roles thereunder of the Security Council and the General Assembly. 33/ In the course of the Council's consideration of the report of the Committee of Experts on these rules, an objection was raised that the recommendation of the Council regarding an application could concern only matters relating to security, and not the fitness or unfitness of a candidate to carry out obligations in relation to any of the Chapters of the Charter which do not come within the scope of the Council's functions and powers. Other members of the Council, however, noted that the Council had a special responsibility laid upon it clearly by the terms of the Charter, and that it was going too far to claim that the Council's responsibility and interest in the matter was only a limited one. 34/ The Council then adopted 35/ the rules as proposed by the Committee of Experts. A year later, a proposal was submitted to amend the provisional rules of procedure in such a way as to limit the Council's consideration of applications for membership to the two questions whether the applicant was a peace-loving State and whether it was able to carry out the obligations contained in the Charter so far as such obligations related to the maintenance of international peace and security. The proposal was rejected. 36/

24. In May 1950 the Security Council undertook consideration of a General Assembly resolution 37/ which recommended that the Council examine the utility and desirability of adopting the practice of inviting the parties to a situation or dispute to meet with the President of the Council and attempt to agree upon a representative on the Council to act as rapporteur or conciliator for the case. In the course of the discussion it was pointed out that this device had already been used effectively through the application of rule 28 by the Council in some instances, and some representatives

32/ S C, 1st yr., 1st Series, Suppl. No. 2, annex Id (S/57), pp. 22 and 23.

33/ See also in this Repertory under Article 4.

34/ For texts of relevant statements, see S C, 1st yr., 1st Series, No. 2, 41st mtg.: Australia, pp. 261-267; 42nd mtg.: Mexico, pp. 273 and 274; USSR, pp. 274 and 275; United Kingdom, pp. 271 and 272; United States, p. 277.

35/ S C, 1st yr., 1st Series, No. 2, 42nd mtg., p. 277.

36/ S C, 2nd yr., No. 85, 197th mtg., pp. 2258-2259, 2263 and 2264.

37/ G A resolution 268 B (III).

expressed their general support for the principles embodied in the Assembly's recommendation. Others pointed out that they had raised objections, both political and legal, in the General Assembly. In general, it appeared to be the view that the Council should not lay down any too rigid or inflexible rule, since there might be instances when the practice could be undesirable, and the Council should always remain its own master in regard to procedure when a dispute was brought before it. In accord with the generally expressed wish not to be bound to the letter of a text but to reserve the possibility of resorting to the practice in question whenever it appeared useful and timely, the Security Council adopted a resolution taking note of the General Assembly's resolution and deciding, should an appropriate occasion arise, to base its action upon the principles contained therein. 38/

## 2. Method of adopting or amending the rules of procedure

25. When the first meeting of the Security Council was convened on 17 January 1946, the Council had before it a set of provisional rules of procedure 39/ which had been recommended by the Preparatory Commission. The text arrived at was the result of a compromise between members who desired to formulate comprehensive rules and those who considered that the whole subject should be left to the Security Council itself. The provisional rules of procedure recommended by the Preparatory Commission were adopted without alteration, and the Council at the same meeting adopted 40/ a proposal to create a Committee of Experts, composed of a representative for each member of the Council, to consider the provisional rules of procedure.

26. Having adopted its provisional rules of procedure at its first meeting on 17 January 1946, the Security Council has upon several occasions amended these rules. In the main, suggestions for amendment have been submitted by the Committee of Experts following its study of the rules in the light of the experience of the Council. Occasionally, amendments have been proposed by members of the Council in the course of consideration of reports submitted by the Committee of Experts. On other occasions, a member of the Council has taken the initiative in suggesting amendments to the provisional rules of procedure, as for instance the representative of the United Kingdom in a letter 41/ dated 2 September 1947 suggesting draft rules relating to meeting hours, and the representative of India in a draft resolution 42/ submitted at the 462nd meeting on 17 January 1950 proposing amendments to the provisional rules of procedure regarding representation and credentials. Still another source from which proposals for amendment of the Council's provisional rules of procedure have originated is the General Assembly. For example, resolution 88 (I) of the General Assembly transmitted to the Security Council for its consideration a rule of procedure, adopted provisionally and subject to the concurrence of the Security Council, dealing with the procedure to be followed in holding elections for members of the International Court of Justice. By resolution 36 (I) the General Assembly requested the Security Council to appoint a Committee to confer with a Committee on procedure of the Assembly, with a view to preparing mutually acceptable rules governing the admission of new Members. After agreed new rules had been worked out in accordance with the method suggested by the General Assembly and the Assembly had accepted the proposed changes and

38/ For texts of relevant statements, see SC, 5th yr., No. 14, 472nd mtg.: President (France), p. 15; China, p. 8; Ecuador, pp. 8-13; Egypt, pp. 6, 8 and 16; India, p. 14; Norway, p. 14; United Kingdom, pp. 4 and 5; United States, pp. 5 and 6; Yugoslavia, p. 13.

39/ S C, 1st yr., 1st Series, Suppl. No. 1, annex 1a, pp. 3-6.

40/ S C, 1st yr., 1st Series, No. 1, 1st mtg., p. 11.

41/ S/540.

42/ S C, 5th yr., Suppl. for 1 Jan. through 31 May 1950, pp. 2 and 3, S/1447.

incorporated them in its rules of procedure, a letter <sup>43/</sup> from the Assistant Secretary-General in charge of Security Council Affairs addressed to the President of the Council on 2 December 1947 brought to the Council's attention the fact that the Assembly had amended its rules concerning the admission of new Members, and that the Council should take action to include the agreed amendments in its provisional rules of procedure. Resolution 268 B (III) has already been referred to in paragraph 24 above. The General Assembly has also on three occasions adopted resolutions relating to voting procedures in the Security Council - resolutions 40 (I), 117 (II) and 267 (III).

## B. Essential features of the provisional rules of procedure

### 1. Agenda (rules 6-12)

27. Under this chapter heading the essential features of rules 6 to 12 <sup>44/</sup> of the provisional rules of procedure are examined in connexion with various aspects of the practice of the Council. A number of these rules involve aspects of application under Articles other than Article 30. <sup>45/</sup> They all involve to a greater or lesser degree functions entrusted to the Secretary-General by virtue of Article 98. Rule 6, although included in the provisional rules under the chapter heading of Agenda, relates to the circulation of communications for the consideration of the Council, and thus covers a somewhat broader field than is covered by the word "agenda". Rule 11 relates in part to the notification which the Secretary-General is required by Article 12 to make to the General Assembly. Rule 12 deals with the preparation of the provisional agenda for the periodic meetings provided for under Article 28 (2). The procedures laid down in the rules on the subject of agenda likewise involve questions (such as competence) governed by the Articles delimiting the powers and functions of the Security Council. For this reason, the following brief summary provides an account only of those aspects of the rules which it seems appropriate to deal with in this study. The aspects of practice covered concern (a) the circulation of communications, (b) the preparation of the provisional agenda for each meeting of the Council, (c) the agenda as adopted by the Council for discussion at a particular meeting, and (d) the matters of which the Council is seized.

#### a. CIRCULATION OF COMMUNICATIONS

28. Communications of the nature defined in rule 6 have normally been circulated as documents in the S/- series. In addition, some communications <sup>46/</sup> emanating from sources other than those defined in that rule have regularly been circulated in this document series. Circulation of a communication has not necessarily involved its inclusion in the provisional agenda of a Council meeting or its discussion by the Security Council. The Official Records indicate that in certain instances the Secretary-General has been in doubt as to whether the provisions of rule 6 required him to circulate a given communication through the medium of the S/- document series. In

<sup>43/</sup> S C, 2nd yr., Suppl. No. 20, Annex 45 (S/612), pp. 167-169.

<sup>44/</sup> Rule 12 is not dealt with because the Council has not, to date, held any periodic meeting.

<sup>45/</sup> The study on Article 35, in particular, provides an account of other aspects of practice regarding the agenda of the Security Council.

<sup>46/</sup> Communications received from the Organization of American States, most of which have contained explicit reference to Article 54, have regularly been circulated in this series.

particular, the Secretary-General circulated three communications 47/ on the Hyderabad question with a prefatory note to the effect that, not being in a position to determine whether he was required by rules of procedure to circulate the communication, he brought it to the attention of the Council for such action as the latter might desire to take. This prefatory note was not added to the communications emanating from the Government of Hyderabad after inclusion of the Hyderabad question in the Security Council's agenda. The Secretary-General also included a prefatory note 48/ in the case of the application for admission to membership received from the Democratic People's Republic of Korea on 10 February 1949. This prefatory note referred to paragraph 2 of resolution 195 (III) 49/ adopted by the General Assembly on the Korean question on 12 December 1948, and stated that the communication was being circulated for the convenience of the members of the Council and not in application of rule 6. In another instance, an application for admission to membership emanating from the Democratic Republic of Viet-Nam, dated 22 November 1948, was circulated 50/ to the members of the Security Council privately, but not as a document in the S/- series. It was subsequently circulated 51/ in this series following a request 52/ by the representative of the USSR on 16 September 1952.

#### b. THE PROVISIONAL AGENDA

29. Rule 7 entrusts the drawing up of the provisional agenda for each meeting of the Security Council to the Secretary-General, subject to the approval of the President of the Security Council. It limits the items which may be included in the provisional agenda to those which may have been brought to the attention of the Council under rule 6, those of which the Council has not completed consideration at the previous meeting (rule 10) or those which the Council has previously decided to defer. The Secretary-General has also taken into account whether a specific request to include an item in the provisional agenda has been made.

30. The Security Council has on occasion decided to change the wording of items included in the provisional agenda. For example, in the case of the "Complaint of armed invasion of Taiwan (Formosa)", the original wording of the item as included in the provisional agenda was changed by a formal vote 53/ of the Council. At various times, the Council has also decided 54/ to alter the order in which the items on the provisional agenda were listed, and to delete an item or items listed in the provisional agenda. It has also decided to defer consideration of whether to include an item in the agenda.

47/ S C, 3rd yr., Suppl. for Sept., pp. 5 and 6, S/986, S/998, S/1000.

48/ S C, 4th yr., No. 12, 409th mtg., S/1247, pp. 12 and 18.

49/ Paragraph 2 of the resolution reads as follows:

"Declares that there has been established a lawful government (the Government of the Republic of Korea) having effective control and jurisdiction over that part of Korea where the Temporary Commission was able to observe and consult and in which the great majority of the people of all Korea reside; that this Government is based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed by the Temporary Commission; and that this is the only such Government in Korea."

50/ S C, 7th yr., 603rd mtg., para. 86.

51/ S C, 7th yr., Suppl. for July, Aug. and Sept., pp. 57 and 58, S/2780.

52/ S C, 7th yr., 600th mtg., para. 7.

53/ S C, 5th yr., 492nd mtg., pp. 11 and 12.

54/ S C, 3rd yr., No. 108, 356th mtg., pp. 2-8, and  
S C, 3rd yr., No. 127, 382nd mtg., pp. 1 and 2.

31. Rule 8 provides for communication of the provisional agenda to the representatives on the Security Council at least three days before the meeting on the question, with the proviso that in urgent circumstances it may be communicated simultaneously with the notice of the meeting. Discussion concerning the meaning of this rule has usually arisen in connexion with the question of whether particular circumstances were to be regarded as urgent.

C. ADOPTION OF THE AGENDA

32. Rule 9 provides that the first item of the provisional agenda for each meeting of the Council shall be the adoption of the agenda. Objections based on denial of the Council's competence to consider a particular item have frequently been advanced at this stage. Since the effect and significance of inclusion of an item in the agenda necessarily varies in each particular case, it is not possible to make any general statement regarding the practice of the Council from this point of view. However, in a number of instances the Council has decided to include an item in its agenda following declarations made by the President or by members of the Council to the effect that inclusion of the item did not, at that stage, prejudice in any way the question of the Council's competence, the merits of the case or the juridical status of the parties. For example, in the case of the Hyderabad question, the Council decided <sup>55/</sup> to include the item in its agenda subject to the reservation that the adoption of the agenda did not decide or affect in any way the question of the Council's competence. In other instances, members of the Council have referred to the substance of an item before the decision on its inclusion in the agenda; it may be noted that on various occasions this practice has been justified on the basis of the argument that it is impossible to determine the Council's competence without reference to the substance of a question.

d. MATTERS OF WHICH THE SECURITY COUNCIL IS SEIZED

33. Rule 10 provides that 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. In the course of discussion of the Report <sup>56/</sup> of the Committee of Experts, in connexion with rule 10, the Chairman of the Committee explained <sup>57/</sup> that the items of unfinished business would not again be subject to debate when the adoption of the agenda for the next meeting was being discussed. In practice, items of unfinished business have not always been included in the provisional agenda of the next meeting, and the Council has frequently turned its attention from one question under active consideration to another. The question of the application of this rule has nevertheless been raised on occasion. For example, at the 480th meeting on 1 August 1950, the provisional agenda did not include the item "Complaint of aggression upon the Republic of Korea" which had been under consideration at the previous meeting.

---

<sup>55/</sup> S C, 3rd yr., No. 109, 357th mtg., p. 10.

<sup>56/</sup> S C, 1st yr., 1st Series, Suppl. No. 2, annex 1b (S/Procedure/12).

<sup>57/</sup> S C, 1st yr., 1st Series, No. 2, 31st mtg., pp. 101 and 102.

The provisions of rule 10 were invoked in connexion with a motion that that item should be included in the provisional agenda following "Adoption of the agenda". 58/ The motion was adopted 59/ by 8 votes to one, with 2 abstentions.

34. Rule 11 provides that the Secretary-General shall communicate each week to the representatives on the Security Council a summary statement of matters of which the Council is seized and of the stage reached in their consideration. At the time the text of rule 11 was adopted by the Council, the Chairman of the Committee of Experts endorsed 60/ an explanation that "matters of which the Security Council is seized" meant "... matters which have been on the agenda of previous meetings and have not been finally disposed of by the Security Council". The Chairman added that the expression was intended to cover "the continuing agenda of the Council which may be valid for some time" in contrast to the agenda for a particular meeting.

35. In practice, the summary statements by the Secretary-General have generally included all those items discussed by the Council which have not been the subject (a) of express decisions removing them from the "list of matters of which the Security Council is seized", (b) of non-procedural decisions disposing finally of them affirmatively or negatively, or (c) of rejected proposals to retain them. Items have also continued to appear in the summary statements after all proposals regarding them have been disposed of, when the discussion in the Council has revealed a continuing concern with the matter.

## 2. Representation and credentials (rules 13-17)

36. This chapter of the provisional rules of procedure of the Security Council deals principally with the question of credentials. On the whole, the application of these rules would not appear to have involved any questions of a constitutional order. However, the question of representation, 61/ which is not dealt with specifically in any of these rules, has been raised on several occasions in the Security Council since the beginning of 1950.

## 3. Conduct of business (rules 27-36)

### a. ORDER OF SPEAKING

37. Rule 27, which states that the President shall call upon representatives in the order in which they signify their desire to speak, contains no provision whereby the President can end or close a debate without a motion to that effect, nor is there in the Council's provisional rules any other rule dealing with this question. Presidents of the Security Council have stated on various occasions that the provisional rules of procedure do not give the President power to close a debate and have interpreted the

---

58/ For texts of relevant statements, see S C, 5th yr., No. 22, 480th mtg.: President (USSR), pp. 12, 15 and 16; United States, pp. 12 and 13.  
No. 23, 481st mtg.: President (USSR), pp. 1, 2, 5, 17 and 18; China, p. 16; Cuba, pp. 12 and 13; Ecuador, pp. 10 and 11; France, pp. 11 and 12; Norway, pp. 13 and 14; United Kingdom, pp. 2-5; United States, pp. 14 and 15.  
No. 24, 482nd mtg.: President (USSR), pp. 17-20; Egypt, pp. 12 and 19; India, pp. 10-12; United Kingdom, pp. 1, 2, 18, 19, 21 and 22; United States, pp. 13-15; Yugoslavia, p. 17.

59/ S C, 5th yr., No. 24, 482nd mtg., p. 20.

60/ S C, 1st yr., 1st Series, No. 2, 31st mtg., p. 110.

61/ An account of discussion on this matter is provided in the study on Article 23.

provisions of rule 27 as meaning that members have the right to speak at any time. In practice, the Council has usually closed the general debate and proceeded to discuss specific draft resolutions by the consent or agreement of its members.

38. Problems concerning the application of rule 27 have not often arisen in connexion with the rights of representatives as to the order of speaking. It may be pertinent to note, however, that the delegation requesting that the Council meet or submitting a question for the Council's consideration has generally been accorded the right to speak first in order to furnish explanations. One source of difficulty in this respect has been the question of possible conflict <sup>62/</sup> between this practice and rule 27, in the event a representative other than the one requesting that the meeting be convened is the first to signify his desire to speak.

#### D. PRESIDENTIAL RULINGS

##### 1. Raising of points of order

39. There does not appear to have been any clear-cut practice in the Council in connexion with the raising of points of order. In some instances, representatives have been allowed by the President to make points of order while another representative was speaking, but in the majority of such cases the representative wishing to make a point of order has been allowed by the President to interrupt a speaker only with the latter's consent.

##### ii. Powers of the President with regard to rulings

40. In the discharge of the function of presiding over the meetings, there devolves on the President the task of providing procedural guidance within the Council on points not defined by the provisional rules. Accordingly, an initiative is not infrequently required of the President in suggesting to the Council an appropriate manner of procedure on the business before it. Statements by the President of this character are in many instances accepted without debate by the Council, in which circumstances the question does not arise whether the statement of the President indicative of a possible procedure has, or has not, the character of a ruling. On certain occasions, however, in which the President has formally made a ruling, the question has arisen whether the subject of the ruling falls within the range of matters legitimately dealt with by this procedure. On some occasions the President has, indeed, expressly refrained from stating a ruling in his capacity as President, but has placed the question of procedure before the Council for debate in the form of a proposal formulated by himself to be decided by the Council in accordance with its normal voting procedure. The procedure to be followed subsequent to the raising of a point of order by a representative on the Council is laid down by rule 30, whereby the President is required to state a ruling which stands unless reversed by the Council as a consequence of a challenge raised by a representative on the Council. The special problems which arise in connexion with rulings of the President on the question whether the matter before the Council is a question of procedure are dealt with in the study on Article 27. The summary provided in paragraphs 41-44 below is intended to exemplify some aspects of the practice of the Council in connexion with presidential rulings.

---

<sup>62/</sup> See, for example, in connexion with discussion of the following items:  
(a) Complaint of armed invasion of Taiwan (Formosa), and (b) Complaint of aggression upon the Republic of Korea, S C, 5th yr., No. 67, 525th mtg., and No. 68, 526th mtg.

41. At the 328th meeting of the Security Council on 1 July 1948, in connexion with the Indonesian question (II), the President (Ukrainian SSR), referring to a proposal introduced earlier in the meeting by the representative of China, stated that he would request a certain document from the Chairman of the Committee of Good Offices. This course was opposed by a member of the Council. Another representative declared that if the statement of the President was to be regarded as a ruling, it would be more logical to vote on that ruling rather than on the proposal submitted by the representative of China. After a number of representatives had stated that the question did not come under rule 30, the President put the proposal to the vote. 63/

42. At the 329th meeting on 6 July 1948, again in connexion with the Indonesian question (II), a number of representatives proposed that the Council request certain information from the Committee of Good Offices. The President (Ukrainian SSR) accepted the proposal. After an objection had been made, the President stated that he had made a ruling and, since it had been challenged, he would put it to the vote. It was then objected that the question under discussion was not a point of order and that the President had no right to make a ruling. After further discussion the Council voted upon a draft resolution embodying the proposed request for information. 64/

43. At the 330th meeting on 7 July 1948, in connexion with the Palestine question, the President (Ukrainian SSR) extended an invitation to "the representatives of the States of Israel, Iraq, Egypt and Lebanon..." to take their places at the Council table. A number of representatives objected to the wording of the invitation in so far as it referred to the State of Israel. The President put his ruling to the vote and it was upheld by the Council. After the vote, several representatives reserved the position of their delegations on the question whether the matter was a point of order. One representative also held that the matter should have been put in the form of an affirmative proposal. 65/

44. At the beginning of the 480th meeting on 1 August 1950, the President (USSR) ruled that

"the representative of the Kuomintang group seated in the Security Council does not represent China and cannot therefore take part in the meetings of the Security Council".

The ruling was challenged, it being held that the President could not rule upon the status of the representative of a Member State. It was also pointed out that, since the Council had not taken a decision that the credentials of the representative of China were not in order, the provisions of rule 17 applied. The President declared that

63/ For texts of relevant statements, see S C, 3rd yr., No. 91, 328th mtg.: President (Ukrainian SSR), pp. 32 and 34; Syria, p. 33; USSR, pp. 32, 33 and 34; United Kingdom, p. 33; United States, p. 33.

64/ For texts of relevant statements, see S C, 3rd yr., No. 92, 329th mtg.: President (Ukrainian SSR), pp. 18, 19 and 20; Australia, pp. 16 and 17; Belgium, pp. 19 and 20; China, p. 17; Indonesia, pp. 11 and 15; United Kingdom, pp. 20 and 21; USSR, pp. 20, 21 and 22; United States, p. 21.

65/ For texts of relevant statements, see S C, 3rd yr., No. 93, 330th mtg.: President (Ukrainian SSR), pp. 2, 3, 8 and 9; Belgium, p. 3; Canada, pp. 6-7, 9; China, p. 4; France, pp. 2 and 3; Egypt, pp. 5, 6 and 8; Syria, pp. 3 and 4; United Kingdom, pp. 2 and 9; USSR, pp. 8 and 9; United States, pp. 7 and 9.

rule 17 could not limit in any degree the rights of the President in this instance, and that under the rules of procedure the President had the right to rule on any question. 66/ The President's ruling was put to the vote and overruled. 67/

iii. Challenges to the presidential rulings

45. One question which has arisen on this point concerns the obligation of the President to make a ruling when a point of order is raised. In the case dealt with in the following paragraph, in which the President declared himself unable to make a ruling, other members of the Council, while conceding that they could not force the President to make a ruling, declared that his failure to do so amounted to failure to comply with the provisional rules of procedure.

46. At the 484th meeting on 8 August 1950, in connexion with the complaint of aggression upon the Republic of Korea, the representative of China, on a point of order, requested the President (USSR) to give a ruling on whether he considered it obligatory upon him to carry out the decision of the Security Council of 25 June 1950 by inviting the representative of the Republic of Korea to take his place at the Council table. The President stated that at the previous meeting the question of inviting both parties had been raised and a proposal to that effect had been introduced and discussed. In the circumstances which had arisen, he could not give a ruling on the question. As representative of the USSR, he stated that his delegation did not regard the decision of 25 June as valid for the present meeting. Other representatives maintained that the President had in fact made a ruling and challenged that ruling. No vote was taken on this point. 68/

C. ORDER OF PRECEDENCE OF PROPOSALS  
(rule 32, paragraph 1, and rule 33)

47. One problem which has arisen in connexion with the order of precedence of proposals submitted to the Council has been whether a draft resolution dealing with the question of competence should be granted priority over other draft resolutions submitted earlier which deal with the substance of an item. The contention that such a proposal should be given priority was advanced at the 194th meeting on 25 August 1947, with regard to a draft resolution 69/ requesting the International Court of Justice for an advisory opinion on the competence of the Council in connexion with the Indonesian question. The President noted that the matter was not covered by rules 32 or 33. After some discussion, the President put to the vote the motion to vote first on the draft resolution to request an advisory opinion from the Court. The motion failed to obtain the necessary majority. 70/

66/ For texts of relevant statements, see S C, 5th yr., No. 22, 480th mtg.: President (USSR), pp. 1 and 4; Cuba, p. 6; Ecuador, p. 7; Egypt, p. 6; India, p. 5; United Kingdom, p. 2; United States, pp. 1 and 2.

67/ S C, 5th yr., No. 22, 480th mtg., p. 9.

68/ For texts of relevant statements, see S C, 5th yr., No. 26, 484th mtg.

69/ S C, 2nd yr., No. 83, 194th mtg., S/517, footnote 1 to p. 2193.

70/ For texts of relevant statements, see S C, 2nd yr., No. 83, 194th mtg.: President (Syria), pp. 2194, 2195 and 2196; Belgium, pp. 2193, 2194 and 2195; USSR, p. 2195.

d. SEPARATION OF VOTE  
(rule 32, paragraph 2)

48. In a number of instances, draft resolutions listing a number of applications for admission to membership in the Organization have been submitted to the Security Council 71/ and discussion has ensued on the question whether rule 32 (2) was applicable. In some of these cases, various members of the Council have contended that a separate vote concerning each application was required by the terms of Article 4 and have referred in that connexion to the relevant advisory opinion 72/ of the International Court of Justice given on 28 May 1948.

49. The following account is given as an example: In the course of discussion of the question of admission of new Members in 1949, at the 442nd meeting on 13 September, the representative of the United States moved that a USSR draft resolution providing that the Council recommend admission of thirteen applicants be voted upon in parts. At the 443rd meeting on 13 September, the representative of the USSR objected, invoking rule 32 (2). Some members of the Council contended that this provision applied only to a proposal referring to one separate question and maintained that each application constituted a separate question under the Charter. Another view was that it was doubtful whether the motion to vote on each application was a division in the sense of rule 32. During this discussion, it was also stated that while the purpose of rule 32 was to avoid a discussion at each time, the Council was not prevented by that rule from taking a vote on its own procedure if it wished to do so. The representative of the USSR moved that the motion to vote on the USSR draft resolution in parts was out of order. 73/ The USSR motion was rejected. 74/ There were 2 votes in favour, 8 against, and 1 abstention.

50. The representative of the USSR then declared that the decision was an arbitrary step and in violation of rule 32. The United States motion to vote upon the draft resolution in parts was adopted 75/ by 8 votes to 3.

51. In the above instance, as well as in a number of other cases, the Council voted upon a draft resolution as a whole after votes on parts. These votes have usually been taken after a draft resolution has been modified during the voting on parts. However, in some cases, they have been taken when votes on parts have resulted in each part failing of adoption.

C. Presidency  
(rules 18 and 20)

52. Rules 18 and 20 of the Council's provisional rules of procedure give effect to the last portion of Article 30: "...including the method of selecting its President". Under rule 18 the Presidency is held in turn, for one calendar month, by the members of the Security Council in the English alphabetical order of their names. Rule 20 sets forth an exception to the provisions of rule 18:

71/ See also in this Repertory under Article 4.

72/ Admission of a State to the United Nations, ICJ, Reports 1948, p. 57.

73/ For texts of relevant statements, see S C, 4th yr., No. 41, 442nd mtg., and No. 42, 444th mtg.

74/ S C, 4th yr., No. 42, 444th mtg., p. 21.

75/ S C, 4th yr., No. 42, 444th mtg., p. 25.

"Whenever the President of the Security Council deems that, for the proper fulfillment 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."

53. In this connexion, the Chairman of the Committee of Experts, in his report on this subject, stated: 76/

"The Committee felt that this contingency would arise, for example, whenever the Member State represented by the President was a party to a dispute, or was directly involved in a situation which might lead to international friction or give rise to a dispute. In the Committee's opinion, the President of the Security Council, by invoking this rule, would be able to leave the presidential chair, if he considers it advisable, in cases where the Member he represents has brought a matter to the attention of the Security Council in accordance with Article 35, paragraph 1, of the Charter.

"It should be pointed out that, while the proposed text leaves it to the discretion of the President himself to decide whether or not to leave the chair, the Committee unanimously agreed that, since the obligation in question was essentially a moral one, such a wording was alone suitable for the conception which the representatives on the Security Council have of their duties. Likewise, the Committee agreed that the President could leave the chair for the discussion of the agenda, whenever such a discussion seemed likely to lead to observations or to a debate on the substance of the question.

".....

"Finally, should the President in office be unable to preside for a personal reason, such as illness or absence, the Committee felt that, since rule 18 of the provisional rules of procedure confers the Presidency on the Member State and not on the representative of that State personally, the Presidency shall still attach to the Member State which the President represents and shall be assumed by an accredited representative of the same State."

54. In connexion with the provisions of rule 18, it may be noted that, following the decision 77/ of the General Assembly to alter the term of office of the non-permanent members of the Council, the latter decided, 78/ at its 84th meeting on 16 December 1946, that the monthly rotation of the Presidency, which up to then had been held from the 17th of one month to the 16th of the next, would be adjusted so that the rotation commenced and ended on the dates established by the General Assembly for the term of office of the non-permanent members, namely, 1 January and 31 December.

55. The provisions of rule 20 have been invoked by a President of the Council on several occasions. The following instances are provided as examples:

---

76/ S C, 1st yr., 1st Series, Suppl. No. 2, annex 1h (S/88), p. 42.

77/ G A resolution 33 (I).

78/ S C, 1st yr., 2nd Series, No. 26, 84th mtg., p. 587.

56. At the 459th meeting on 10 January 1950, the representative of Ecuador proposed, 79/ in connexion with the question of the representation of China in the Security Council, that rule 20 be considered by the Council. He felt sure that the President (China) had not lost sight of the possibility of invoking that rule in order to facilitate discussion and solution of the matter before the Council.

57. The President (China) invoked rule 20 at the 460th meeting on 12 January, when the Council began to consider a USSR draft resolution 80/ providing that the Council decide not to recognize the credentials of "the representative of the Kuomintang group" and to exclude the latter from the Council. The representative of Cuba presided over the remainder of the 460th meeting and over the first part of the 461st meeting on 13 January 1950. After the USSR draft resolution had been rejected by the Council, the representative of China resumed the presidential chair.

58. At the 533rd meeting on 1 March 1951, the President (India) requested 81/ the representative of the next member in English alphabetical order (the Netherlands) to take the presidential chair for the purpose of consideration of the India-Pakistan question. The representative of the Netherlands presided over all the meetings of the Council during March 1951, since all of them were devoted to the India-Pakistan question.

---

79/ S C, 5th yr., No. 1, 459th mtg., p. 8.

80/ S C, 5th yr., No. 1, 459th mtg., p. 3, S/1443.

81/ S C, 6th yr., 533rd mtg., para. 2.

