

# ARTICLE 30

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### TEXT OF ARTICLE 30

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

### INTRODUCTORY NOTE

1. During the period under review the Security Council neither adopted new rules nor amended the existing provisional rules of procedure.
2. In the application of its provisional rules, the Security Council continued, in general, to rely upon the body of practice established during the previous years. On a number of occasions, however, the Council, confronted with special circumstances, resorted to procedures which throw added light on the scope and meaning of some of its existing rules. The present study contains a few cases of this kind, as well as a brief indication of practices which may be regarded as representing discernible tendencies. In the latter category fall the relatively numerous cases of communications to the Council concerning matters in respect of which no request was made for consideration by the Council. This category also includes instances in which the Council adopted an agenda that included two sub-items expressive of essentially the same question, a procedure related to the Council's practice of not wording the items on its agenda itself.

3. As in the earlier Repertory studies, some of the Council's rules are dealt with under other Articles of the Charter.

## SUMMARY OF PRACTICE

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

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

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

###### a. CIRCULATION OF COMMUNICATIONS

4. The practice of interpreting rule 6 of the provisional rules of procedure of the Security Council in a manner which permits bringing communications from States to the attention of all representatives in the Security Council, without requesting Council consideration of the matter, continued in the period under review. This practice involved a somewhat larger number of such communications <sup>1/</sup> than before. In one instance, <sup>2/</sup> specific reference was made to Article 35 (1); in another case <sup>3/</sup> there was a suggestion of the possible relevance of Article 99 and an indication of willingness on the part of the State submitting the communication to accept the good offices of the Secretary-General in the matter.

###### \*\* b. THE PROVISIONAL AGENDA

###### c. ADOPTION OF THE AGENDA

5. Application of rule 9 on occasion gave rise to a procedural debate concerning the relation between two or more items (or sub-items) of the same general question and the

<sup>1/</sup> See, for instance, communications concerning the following situations: the southern part of the Arabian Peninsula: S/3773 (mimeographed); S/3777 (mimeographed); S C, 13th yr., Suppl. for Jan.-Mar., p. 26, S/3969; *ibid.*, p. 32, S/3977; *ibid.*, Suppl. for Apr.-June, p. 7, S/3989; *ibid.*, p. 28, S/4001; *ibid.*, p. 32, S/4004; *ibid.*, Suppl. for July-Sept., p. 27, S/4044; *ibid.*, p. 40, S/4058/Rev.1; *ibid.*, p. 156, S/4096; *ibid.*, Suppl. for Oct.-Dec., p. 1, S/4103; the Gulf of Aqaba: S C, 12th yr., Suppl. for Apr.-June, p. 18, S/3825; *ibid.*, p. 21, S/3833; *ibid.*, p. 22, S/3835; *ibid.*, p. 23, S/3838; *ibid.*, p. 25, S/3841; *ibid.*, S/3843; *ibid.*, Suppl. for July-Sept., p. 11, S/3846; *ibid.*, p. 12, S/3849; *ibid.*, Suppl. for Oct.-Dec., p. 5, S/3905; *ibid.*, p. 6, S/3906; *ibid.*, p. 20, S/3918; *ibid.*, p. 21, S/3919; Cyprus: S C, 13th yr., Suppl. for Apr.-June, p. 53, S/4025; *ibid.*, p. 58, S/4026; *ibid.*, p. 61, S/4028; *ibid.*, p. 114, S/4033; *ibid.*, p. 117, S/4035; the Cambodian-Thai frontier: S C, 13th yr., Suppl. for Oct.-Dec., p. 18, S/4121; *ibid.*, p. 33, S/4126; S C, 14th yr., Suppl. for Jan.-June, p. 12, S/4158; *ibid.*, p. 15, S/4161; Algeria: S C, 14th yr., Suppl. for July-Sept., p. 1, S/4195 and Add.1; *ibid.*, p. 3, S/4197. For provisional rules of procedure of the Security Council, see S/96/Rev.4 (United Nations Publication, Sales No.: 52.I.18).

<sup>2/</sup> S C, 14th yr., Suppl. for July-Sept., p. 1, S/4195, concerning Algeria.

<sup>3/</sup> S C, 13th yr., Suppl. for Oct.-Dec., p. 33, S/4126, concerning the situation on the Cambodian-Thai frontier.

order of their consideration. Objection was voiced in some cases to the inclusion of an item which was second in the provisional agenda, or to its discussion concurrently with the first item, on the ground that such a procedure would distract the Council's attention from the original question brought before it. The practice of the Council varied with the circumstances of the case, ranging from separate decisions <sup>4/</sup> on the adoption of each item and on the order of their consideration to an agreement <sup>5/</sup> to the adoption of both items and then to hearing each complainant before determining whether to discuss their complaints simultaneously.

**\*\* d. MATTERS OF WHICH THE SECURITY COUNCIL IS SEIZED**

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

6. Rule 17 of the provisional rules of procedure of the Security Council was the subject of divergent interpretations in the Council in connexion with the situation in Hungary. Specifically, the issue was raised as to whether the representative of Hungary, to whose credentials objection had been made within the Council, should "continue to sit with the same rights as other representatives" pending clarification of his status. Since the meeting of the Council had been called with such urgency that rule 14 could not be applied, the issue crystallized around the meaning of the words in rule 17: "Any representative on the Security Council". Some representatives contended that rule 17 applied exclusively to members of the Council; others held the view that it also applied to States invited to participate in the discussion. In the absence of agreement on the interpretation of the rule, the Council resorted to the procedure of leaving the matter to the discretion of the President. It was understood that since representatives of members of the Council would in any event have priority in the debate, the question of the right of the representative of Hungary, which was not a member of the Council, would in practice not arise during the meeting, and an opportunity would be afforded the Secretary-General to verify the credentials in accordance with rule 15. <sup>6/</sup>

7. On another occasion, differences of opinion were expressed in the Security Council concerning the interpretation of rule 15. The issue arose as a result of the special constitutional relationship between Iraq and Jordan. The Constitution of the Arab Union maintained the sovereignty of the two States forming the Union, but contained a provision to the effect that, in the absence of the King of Iraq, the King of Jordan would be the Head of the Arab Union. The Constitution, which had been duly ratified by both Iraq and Jordan, also stipulated that the Head of the Union would appoint the diplomatic representatives of the Arab Union. At the 827th and subsequent meetings of the Security Council, objection was made to the credentials of the representative of Iraq on the ground that they had lapsed as a result of the change of Government in Iraq, which had withdrawn from the Arab Union. On the appointment of a new representative, reference was made to the relevant stipulations in the Constitution of the Arab Union and to the confirmation of the credentials of the representative of Iraq by the King of Jordan, the Head of the Arab Union at that time. The President of the

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<sup>4/</sup> S C, 11th yr., 734th mtg., paras. 122, 123 and 133, in connexion with the Suez Canal situation.

<sup>5/</sup> S C, 13th yr., 831st mtg., paras. 10-15, in connexion with the complaints of Lebanon and Jordan. See also, for example, S C, 12th yr., 787th mtg., paras. 1-27 and 28-39, in connexion with the Palestine question.

<sup>6/</sup> For texts of relevant statements, see S C, 11th yr., 752nd mtg., paras. 7-45.

Council decided, without being challenged, that rule 17 applied to the case and that the representative of Iraq should continue to occupy his seat in the Council until the Council should arrive at another conclusion. 7/

**\*\* 3. Conduct of business (rules 27-36)**

**\*\* C. Presidency (rules 18 and 20)**

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7/ S C, 13th yr., 827th mtg., paras. 1-29; 834th mtg., paras. 2-40; ibid., Suppl. for July-Sept., p. 55, S/4060. The procedural issue was resolved after the Government of Jordan had in turn declared that the Constitution of the Arab Union was in abeyance and inapplicable (S C, 13th yr., Suppl. for July-Sept., p. 124, S/4080; ibid., p. 125, S/4081).