

# The UN Security Council Handbook

**A User's Guide to Practice and Procedure**



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The UN Security Council Handbook:  
A User's Guide to Practice and Procedure

Security Council Report  
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## Foreword

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Nearly 75 years old, the UN Security Council remains the global body charged with maintaining international peace and security. Its establishment was a radical act: for the first time, nations gave up an element of their sovereignty to be bound by decisions of the Security Council, and also conferred on the Council global authority for the use of force.

The Council has achieved much, including establishing two international criminal tribunals, expanding the use of sanctions, and setting up over 70 peace operations that have saved many lives. But it has also failed repeatedly to prevent or mitigate conflict, aggression, and genocide.

Security Council effectiveness requires committed member states and the continued adaptation of its practices. Its rules have evolved, and new practices have been introduced, often in politically-creative ways that can contribute to a culture where better decisions are taken, more consultatively.

Ever since the UN Charter was adopted in June 1945, the work of the Security Council has grown more complex in both scope and process. In contrast to its early years, when several months could pass without convening, Council meetings and consultations now absorb some 680 hours a year, or about 55 hours a month. Those are the tip of a deep iceberg: unseen are the endless hours of consultation, exchanges of messages, drafting, and negotiation.

The United Nations has outlasted its precursor, the League of Nations, by about 50 years. But rules-based multilateral systems are not self-sustaining. Many face challenges, including a loss of public confidence and the support of world leaders, as well as finding a narrative that reaches beyond global elites. Cultivating some degree of accessibility to, and understanding of, its agenda and deliberations by other nations, civil society and the public are vital to perceptions of the Council's relevance, legitimacy and effectiveness.

Security Council Report was launched in 2005 to support greater transparency, effectiveness, and accountability in the Council’s work. Since then, our timely and candid reporting, in-depth research, and impartial perspective have become required reading for Council observers and members. In 2012, SCR began providing capacity-building to candidate countries. With this User’s Guide to the Security Council, a wider audience now has access to straightforward guidance on how the Council works in practice.

*New York City*  
*May 2019*

Karin Landgren  
*Executive Director*  
*Security Council Report*

## Readers' Guide and Disclaimer

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This Handbook provides a practical guide to the key aspects of the UN Charter and the provisional rules of procedure that underpin the work of the Security Council. It shows how the Council has creatively developed its own working methods and practices based on these rules to carry out its mandate. These practices will evolve, while the core tenets that have guided the Council in the past continue to provide the foundations for Council action. This Handbook is not intended to be comprehensive, but to convey the principal elements of Security Council practice and procedure as they are in the middle of 2019.

The Handbook is divided into four sections:

- **Part I** on the Written Rules provides information on the powers of the Security Council according to the Charter, the rules of procedure and working methods.
- **Part II** on the Conduct of Business explains the underlying basis for how the Council votes, its agenda, and the role of the president. It covers the different meeting formats and decisions of the Council.
- **Part III** on Subsidiary Bodies presents an overview of Council sanctions and information on the listing and delisting as well as the designation criteria for the 14 sanctions committees. It also discusses the different working groups and other subsidiary bodies.
- **Part IV** on Relations with other Organs discusses the Council's relationship with the General Assembly, the Economic and Social Council, the Trusteeship Council, the International Court of Justice and the Secretariat and UN Secretary-General.



## Acknowledgments

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In writing this we benefitted from the wealth of information on the UN website, particularly in the UN repertoire, and the invaluable work done on the rules and procedure of the UN Security Council by Loraine Sievers and Sam Daws, the Security Council Affairs Division of the UN, and the authors of the Best Practices Guide for Chairs and Members of United Nations Sanctions Committees. The Handbook also draws on SCR's archives which have documented Council practice since 2005. We are grateful to SCR staff past and present and to the many Council members over the years who made it possible for SCR to document the work of the Council.



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## Part I Written Rules

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### 1.1 The Security Council and the UN Charter

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The Charter of the UN is the UN's governing document. It came into force on 24 October 1945 and established six principal organs: the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice and the UN Secretariat.

The main chapters pertaining to the Security Council are Chapters V, VI, VII and VIII. Chapter V deals with its composition (Article 23), functions and powers (Articles 24-26), voting (Article 27) and procedure (Articles 28-32). Chapter VI addresses Security Council action for the pacific settlement of disputes (Articles 33-38), while Chapter VII covers Security Council action with respect to threats to the peace, breaches of the peace and acts of aggression (Articles 39-51). Chapter VIII addresses Security Council interaction with regional arrangements or agencies (Articles 52-54).

#### Composition of the Security Council

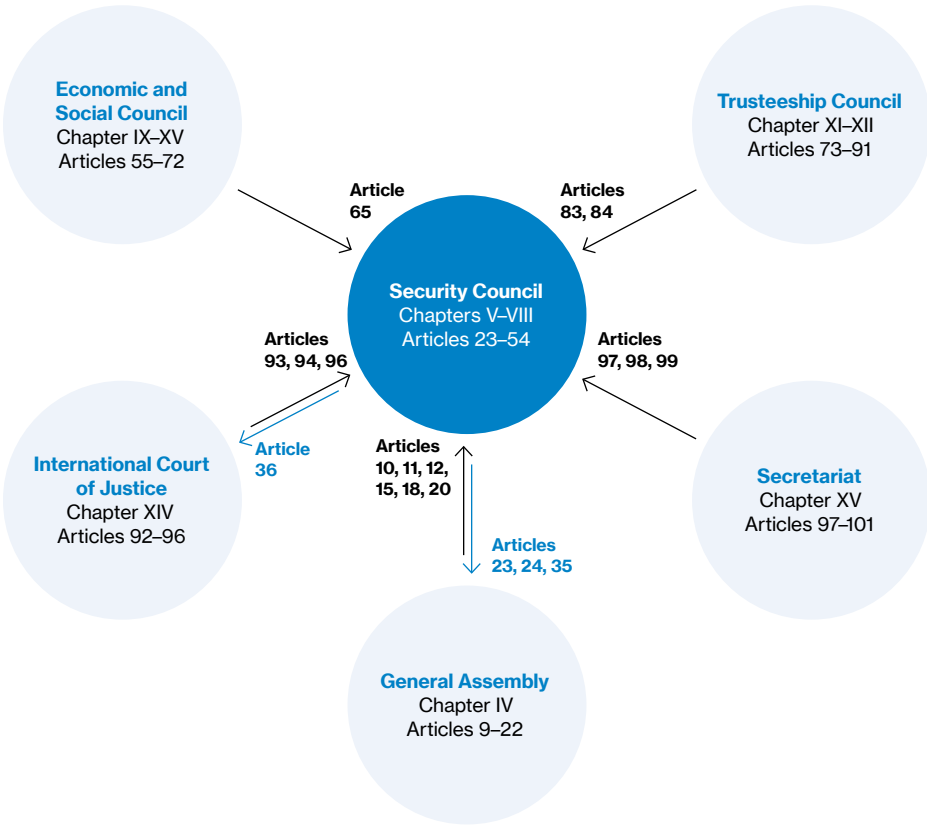
The Security Council consists of 15 members:

- five permanent members (the People's Republic of China, France, the Russian Federation, the United Kingdom and the United States); and
- ten non-permanent members elected by the General Assembly for a two-year, non-renewable term (Article 23).

*(For details on how members are elected, refer to the General Assembly section in Part IV.)*

## THE SECURITY COUNCIL ACCORDING TO THE UN CHARTER

### The Six Organs of the United Nations



### Amendments to the UN Charter

The Charter sets out two avenues for its amendment. Article 108 pertains to the steps for making specific amendments; Article 109 introduces the option of a review conference outside of the usual General Assembly meetings with the purpose of a comprehensive “review” of the Charter. Both require two-thirds of the UN member states to vote for and ratify a proposed amendment. In addition, “all the permanent members of the Security Council” must also ratify before the amendment goes into force. The concurrence of all five permanent members is seen as the biggest obstacle to significant amendments to the Charter.

The Charter has been amended five times, always to reflect the increase in UN membership:



- Amendment 23 to enlarge the Security Council from 11 to 15 members (came into force on 31 August 1965)
- Amendment 27 to increase the required number of Security Council votes from 7 to 9 (came into force on 31 August 1965)
- Amendment 61 to enlarge the Economic and Social Council from 18 to 27 members (came into force on 31 August 1965)
- Amendment 109 to change the requirements for a General Conference of Member States for reviewing the Charter (came into force on 12 June 1968)
- Amendment 61 to further enlarge the Economic and Social Council from 27 to 54 members (came into force on 24 September 1973)

The UN Charter still refers to the original permanent members, the Republic of China and the Union of Soviet Socialist Republics, although the former was replaced at the UN by the People's Republic of China on 25 October 1971, and the latter was superseded by the Russian Federation on 24 December 1991. The wording of Article 23 (f) has not been amended.

### The Mandate of the Security Council

The core mandate of the Security Council, contained in Article 24 (1) of the UN Charter, gives it “primary responsibility for the maintenance of international peace and security”.

The Charter envisages several means for the Council to fulfil this mandate:

- calling upon parties to settle their dispute by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means (Article 33);
- investigating any dispute, or any situation which might lead to international friction or give rise to a dispute (Article 34);
- recommending appropriate procedures or methods of adjustment (Article 36);
- recommending such terms of settlement as it may consider appropriate (Article 37);
- making recommendations to parties with a view to a pacific settlement of the dispute (Article 38);
- determining the existence of any threat to the peace, breach of the peace, or act of aggression and making recommendations to maintain or restore international peace and security (Article 39);
- calling upon the parties concerned to comply with such provisional measures as it deems necessary or desirable (Article 40);
- deciding what measures not involving the use of force are to be employed to give effect to its decisions and calling upon UN member states to apply such measures (Article 41);

- taking such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security (Article 42);
- negotiating and concluding special agreement(s) for armed forces, assistance and facilities with UN member states (Article 43);
- making plans for the application of armed force with the assistance of the Military Staff Committee (Article 46);
- encouraging the development of pacific settlement of local disputes through regional arrangements or agencies (Article 52);

### Has Article 26 been used?

Article 26 gives the Council a proactive role in formulating plans for the regulation of armaments:

*“In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world’s human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.”*

This article connects disarmament and reduced military expenditure with increased security, peace and development. It also envisages the Military Staff Committee (MSC) assisting the Security Council in formulating these plans. The MSC, made up of the military Chiefs of Staff of the permanent members of the Council, was rendered almost defunct by the Cold War. (See section on the Military Staff Committee in Part III: *Subsidiary Bodies* for more details.)

The General Assembly adopted resolution 41 of 14 December 1946 recommending that the Council formulate practical measures to provide for the general regulation and reduction of armaments and armed forces, and to assure that such regulation and reduction will be generally observed, thus reaffirming the Council’s Article 26 obligations.

In resolution 18 of 13 February 1947, the Council recognised that the general regulation and reduction of armaments and armed forces would constitute a real opportunity to strengthen international peace and security. In an effort to implement its Charter obligations, the Security Council established the UN Commission for Conventional Armaments (UNCCA) to deal with armaments other than weapons of mass destruction with a mandate to make proposals for the general reduction of armaments.

The Soviet Union pressed for immediate reduction of armaments. The US supported reductions only when there would be an effective framework for collective security in place. Before long, Cold War political dynamics put an end to UNCCA. In 1950 the Soviet Union used the procedural issue of the representation of China in UNCCA as a basis for withdrawing participation. This effectively ended the work of the Commission, which was dissolved in 1952 by Council resolution 97.

From that point on, the Council has not played a substantive role on armament regulations, and there has been little attempt to revive discussion of the Article 26 mandate.

- utilising such regional arrangements or agencies for enforcement action under its authority (Article 53); and
- formulating plans for a system for the regulation of armaments (Article 26).

The Council is aided in fulfilling its Charter obligations through:

- establishing such subsidiary organs as it deems necessary for the performance of its functions (Article 29); and
- adopting its own rules of procedure (Article 30).

Under the UN Charter, UN member states confer primary responsibility for international peace and security on the Council and “agree that in carrying out its duties under this responsibility the Security Council acts on their behalf” (Article 24 [1]). They also “agree to accept and carry out the decisions of the Security Council in accordance with the present Charter” (Article 25). In other words, the Security Council acts on behalf of the entire UN and has the authority to bind all members of the organisation.

The Charter also stresses that “in discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations” (Article 24 [2]), thus conditioning the powers of the Council.

## 1.2 The Powers of the Security Council: Chapter VI, VII and VIII

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The Charter establishes three sets of powers for the Security Council:

- adjustment or settlement powers (Chapter VI);
- enforcement powers (Chapter VII); and
- regional arrangement powers (Chapter VIII).

Although separated into distinct chapters, in practice the provisions in these chapters are procedurally inter-connected. At times, the Council moves from one to the other(s) or employs more than one at the same time: it need not specify under which article of the Charter it is taking a decision. The Council has at times explicitly invoked a chapter (or article) but has also done so implicitly or altogether ambiguously. Different chapters are also applied in a single decision.

## How Are Issues Brought to the Attention of the Security Council?

The Charter provides multiple channels for bringing a matter to the Security Council:

### *Parties to a Dispute*

- *Article 33 (1)*: This article places the primary responsibility for peaceful settlement of disputes with the parties to the dispute. After exhausting Article 33 (1) procedures, parties may bring the dispute to the Council.
- *Article 94 (2)*: According to this article, if a party fails to perform the obligations upon it under a judgement rendered by the ICJ, the other party may have recourse to the Council.

### *Member States*

- *Article 35*: This article allows member states, not just parties to the dispute and members of the Council, to seize the Council. It also provides an alternative route to Article 33 (1). It is the most frequently used avenue to seize the Security Council of a dispute or

**TABLE 1 SEIZING THE SECURITY COUNCIL**

Actor	Article
<b>Parties to a Dispute</b>	<b>Article 33</b> : shall first of all seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means.  <b>Article 94 (2)</b> : if any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council.
<b>Member States</b>	<b>Article 35</b> : any Member of the UN may bring any dispute to the attention of the Security Council.
<b>General Assembly</b>	<b>Article 11 (3)</b> : may call the attention of the Security Council to situations which are likely to endanger international peace and security.  <b>Article 12 (1)</b> : shall not make any recommendation with regard to a dispute or situation unless the Security Council so requests.
<b>Secretary-General</b>	<b>Article 99</b> : may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

situation that is, or is likely to, endanger the maintenance of international peace and security. It was first invoked by Iran on the Iranian Question through its letter to the Security Council of 18 March 1946. Letters requesting a meeting of the Council to address the situation in Sierra Leone is a typical example of the use of Article 35.

### *The General Assembly*

- *Article 11 (3)*: This article allows the General Assembly to call the Council’s attention to “situations which are likely to endanger international peace and security.” However, Article 12 (1) states that on disputes or situations that the Council is seized of, the General Assembly should not “make any recommendation with regard to that dispute or situation unless the Security Council so requests.”

### *The Secretary-General*

- *Article 99*: According to this article, the “Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.”

## **TABLE 2 THE SECURITY COUNCIL ACTS**

### **Chapter VI**

**Article 33 (2)**: shall, when it deems necessary, call upon the parties to settle their dispute by such means.

**Article 34**: may investigate any dispute, or any situation, which might lead to international friction or give rise to a dispute.

**Article 36 (1)**: may, at any stage of a dispute or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

**Article 94 (2)**: may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

### **Chapter VII**

**Article 39**: shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations or decide what measures shall be taken.

**Article 40**: may call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable.

**Article 41**: may decide what measures not involving the use of armed forces are to be employed to give effects to its decisions.

**Article 42**: may take such action by air, sea, or land forces as may be necessary to maintain and restore international peace and security.

*(For more information on the relationship between the General Assembly and the Security Council, see Part IV.)*

Once seized, the Council can take action on its own under Chapter VI or VIII.

- *Article 33 (2)*: This article gives the Council the option to recommend that the parties abide by their obligations under the Charter and refers responsibility for the settlement of the dispute back to the parties: “the Security Council shall, when it deems necessary, call upon the parties to settle their dispute”.
- *Article 34*: This article invests the Security Council with competence to “investigate any dispute or situation that might lead to international friction or give rise to a dispute in order to determine if the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.”

### **The Use of the Council's Investigative Powers**

Article 34 has often been invoked implicitly in setting up Council committees or sub-committees, or extraneous bodies or committees to investigate a dispute on the Council's behalf.

Article 34 was explicitly invoked in several resolutions in the early days of the Security Council:

#### **The Greek Question**

Resolution 15 in 1946 invoked Article 34 when it set up a Commission of Investigation into Greek frontier incidents during the civil war.

#### **The India-Pakistan Question**

In 1948, the Security Council adopted resolution 39, which established the United Nations Commission on India and Pakistan pursuant to Article 34 to investigate a dispute between India and Pakistan over Kashmir.

#### **The Complaint by Cuba**

In 1960, Security Council resolution 144 on the tense situation between Cuba and the US cites Article 34 in a preambular paragraph.

#### **Situation in Western Sahara**

Resolution 377 of 1975 invoked Article 34 to request the Secretary-General to consult with all the parties concerned on the question of Western Sahara and report back to the Council.

- *Article 36 (1)*: This article gives the Security Council the power to recommend to parties a specific means for the settlement of a dispute.
- *Articles 39, 40, 41, 42*: These articles give the Security Council the power to determine whether or not in a specific case there exists any “threat to the peace, breach of the peace or act of aggression” and to make recommendations or decide on measures both not involving and involving the use of force in accordance with Articles 41 and 42.

## Chapter VI: Settlement and Arrangement Powers

Chapter VI powers are largely related to recommendations for adjustment or settlement of a dispute or situation that in principle does not yet pose a threat to international peace and security. It deals largely with non-coercive measures aimed at peaceful settlement.

### The Central African Republic (CAR) Commission of Inquiry

An example of the implicit use of Article 34 is resolution 2127 adopted on 5 December 2013, which requested the Secretary-General to “rapidly establish an international commission of inquiry for an initial period of one year...in order immediately to investigate reports of violations of international humanitarian law and abuses of human rights in the CAR by all parties since 1 January 2013, to compile information, to help identify perpetrators of such violations and abuses, point to their possible criminal responsibility and to help ensure that those responsible are held accountable”.

The Commission submitted a preliminary report in June 2014 and a final report in December 2014. On 20 January 2015, two of the three commissioners briefed at an Informal Interactive Dialogue with Council members on the final report of the International Commission of Inquiry (COI) on the CAR.

The COI found that “all the parties were involved in serious violations of international humanitarian law and gross abuses of human rights including rape and other gender-based sexual offences and violations”. After examining all the available evidence, the Commission concluded that the threshold requirement to prove the existence of the necessary element of genocidal intent had not been established in relation to all the actors in the conflict but emphasised that this did not in any way diminish the seriousness of the crimes.

Other examples include resolution 1564, adopted in 2004, which requested the Secretary-General to set up an international commission of inquiry to investigate violations of international humanitarian and human rights law in Darfur, and resolution 2235, adopted on 7 August 2015, which set up an OPCW-UN Joint Investigative Mechanism in Syria to identify those involved in the use of chemical weapons.

### *Settling a Dispute by Peaceful Means: Article 33*

- *Article 33 (2)*: The Security Council can call upon the parties to a dispute to first settle their dispute through “negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means”. This article provides the option for the Council to recommend that the parties abide by their obligations under the Charter and refers responsibility for the settlement of the dispute back to them. Over the years, the Council has implicitly referenced Article 33 many times in its decisions. Explicit references are rare but can be found in early resolutions: resolution 144 (1960) on the Complaint by Cuba; resolution 211 (1965) on the India-Pakistan Question; and resolutions 377 (1975) and 380 (1975) on the situation in Western Sahara.

Implicit references include recommendations to parties to resolve their differences through various means. For example, on the day of the Iraqi aggression in 1991, the Council called on Iraq and Kuwait to begin immediate negotiations. Resolution 502 adopted on 3 April 1982 urged Argentina and the UK to strive for a “diplomatic solution” to their conflict concerning the Falkland/Malvinas Islands. The Council may also call upon parties to an agreement to abide by the arrangements for a cessation of hostilities, as it did in resolution 2432 adopted on 30 August 2018 on the situation in Mali.

### *Investigating a Dispute: Article 34*

- *Article 34*: The Security Council can investigate any dispute, or any situation that might endanger international peace and security. This has led it to establish fact-finding missions and commissions of inquiry.

### *Recommending Specific Means to Settle a Dispute: Article 36*

- *Article 36 (1)*: The Security Council can recommend appropriate procedures or methods of adjustment taking into account any procedures for the settlement of the dispute which have already been adopted by the parties under Article 33.
- *Article 36 (3)*: The Security Council may refer a legal dispute to the International Court of Justice (ICJ). This has rarely been used. The only example of the Council recommending two parties to settle their dispute before the Court was the Corfu Channel incident. On 22 October 1946 two British destroyers struck mines in the Corfu Channel off the Albanian coast. The UK charged that Albania had unjustifiably laid the mines and submitted the dispute to the Security Council. On 9 April 1947, having failed to resolve the issue,



the Council in resolution 22 recommended that the dispute be referred to the ICJ. The Court eventually ruled that the UK had the right of innocent passage.

### *Making a Recommendation when Parties Fail to Agree: Article 37*

- *Article 37 (2)*: In a situation where the parties to a dispute have been unable to settle their differences by the means recommended in Articles 33 and 36, they shall refer it to the Council. At this point the Council may intervene by taking action under Article 36 or recommending terms of settlement it considers appropriate.
- *Article 38*: If requested by all the parties to a dispute, the Security Council may make recommendations to the parties with a view to a pacific settlement of the dispute. Article 38 has never been used.

## **Chapter VII: Enforcement Powers**

Chapter VII powers are recommendations or decisions for the enforcement of an adjustment or settlement of a dispute that threatens international peace and security.

The Security Council can decide to act under Chapter VII, Article 39, if it determines the existence of a threat to the peace, breach of the peace or act of aggression, to make non-binding recommendations or binding decisions on measures to be taken.

Once the Council has made a determination under Article 39, it may:

- call upon the parties to abide by such provisional measures as it deems necessary (Article 40);

### **The Egyptian Question**

On 8 July 1947, Egypt wrote to the Council stating that British troops were being maintained on Egyptian territory contrary to the principle of sovereign equality of UN member states. The letter also indicated that a dispute had arisen between the two countries and attempts at reaching a settlement in conformity with Article 33 had failed. It therefore said that it was bringing this dispute before the Council in conformity with Articles 35 and 37 of the Charter.

## **CHAPTER VII: ENFORCEMENT POWERS**

**Article 39:** shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations or decide what measures shall be taken.



**Article 40:** may call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable.



**Article 41:** may decide what measures not involving the use of armed forces are to be employed to give effects to its decisions.



**Article 42:** may take such action by air, sea, or land forces as may be necessary to maintain and restore international peace and security.

Article 41 gives a non-exhaustive list of measures not involving the use of force, including severance of diplomatic relations, trade embargoes, economic sanctions, and interruption of means of communication. It is most commonly used in connection with economic sanctions and has been specifically cited in resolutions imposing sanctions on the Democratic People's Republic of Korea and Iran.

- decide to employ measures not involving the use of force to give effect to its decisions (Article 41);
- decide to employ the use of force to give effect to its decisions (Article 42); and
- decide to entrust the use of force to all or some member states (Article 48, and pursuant to Article 42).

### **Chapter VIII: Regional Arrangements**

Chapter VIII powers provide for regional arrangements or agencies to deal with matters relating to the maintenance of international peace and security under the following conditions:

- The arrangements and their activities must be consistent with the Purposes and Principles of the UN (Article 52 [1]).
- The matter being dealt with must be 'local' (Article 52 [2]).
- The matter must be appropriate for regional action (Article 52 [1]).

#### **What are the differences between a threat to the peace, a breach of the peace and an act of aggression?**

A threat to the peace is seen as the most expansive and amorphous of the determinations in Article 39. In order to respond to the changing nature of conflict, through its practice the Security Council has expanded its idea of a threat to the peace from largely inter-state conflicts to include internal situations, violations of human rights and international humanitarian law, violations of democratic principles, pandemics, terrorism and proliferation of weapons of mass destruction, among others.

A breach of the peace is a less expansive term than a threat to the peace, and as such may be considered to refer to more specific acts. Identifying a breach is by definition reactive: the breach must already have occurred.

An act of aggression is considered the most serious form of an illegal use of force under international law. In addition, it is a widely recognised international crime, also found in the International Criminal Court's Statute. Much like the other terms of Article 39, a determination by the Council that an act of aggression has taken place mainly serves as a step towards adopting enforcement measures under Chapter VII. The Council has only made the determination that an act of aggression has occurred four times,<sup>1</sup> most likely due to the gravity associated with the term.

Determining the existence of a threat to the peace, breach of the peace or an act of aggression is a political decision of the Council. Though in principle the terms of Article 39 represent an escalating scale of gravity, the importance of a determination under Article 39 is as a gateway to Chapter VII decisions by the Security Council. The tools and options available to the Council are identical whether it determines the existence of a threat to the peace, breach of the peace or an act of aggression.

## Article 51: The Right to Individual or Collective Self-Defence

Chapter VII includes Article 51, which gives states the right of individual or collective self-defence “if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.” Members are to report immediately to the Council on measures taken.

An example of an implicit reference to Article 51 can be found in resolution 83 adopted on 27 June 1950. It determined that the attack on the Republic of Korea by forces from North Korea constituted a breach of the peace, and called for an immediate cessation of hostilities and for the authorities in North Korea to withdraw their armed forces to the 38th parallel. The resolution also recommended that members of the UN “furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security”. Article 51 was explicitly referenced in resolution 546 adopted on 6 January 1984 on the situation between South Africa and Angola, which reaffirmed the right of Angola “in accordance with the relevant provisions of the Charter of the United Nations and, in particular, Article 51, to take all the measures necessary to defend and safeguard its sovereignty, territorial integrity and independence”.

A right of self-defence against non-state actors has been increasingly invoked and accepted in state practice, even if its lawfulness has not yet been clearly established. Resolution 1368, adopted in 2001, implicitly recognised the US’ right to self-defence in response to the 9/11 attacks by Al-Qaida. Iraq invoked the right to collective self-defence when it wrote to the Council in 2014 requesting the US to lead international efforts to strike ISIS sites and military strongholds in Syria. The Council in 2015 adopted resolution 2249 calling on member states to take all necessary measures in compliance with international law to “prevent and suppress terrorist acts committed specifically by ISIL also known as Da’esh as well as ANF, and all other individuals, groups, undertakings, and entities associated with Al Qaeda, and other terrorist groups, as designated by the United Nations Security Council”. Member states involved in coalition attacks on ISIS in Syria have written to the Council informing it of impending attacks and citing Article 51.

## Binding or Non-Binding?

The binding or non-binding nature of Security Council decisions is not an exact science and needs to be determined on a case-by-case basis. Whether or not a decision is binding or non-binding depends on the terms of the decision and the language used. Within a decision, parts may be binding and others not. When in a decision the Council “decides” on something, it is binding, whereas if it “calls upon”, it indicates a recommendation.

The International Court of Justice said, in the *Legal Consequences for States of the Continued Presence of South Africa in Namibia case (1971)*, that “*the language of a resolution of the Security Council should be carefully analyzed before a conclusion can be made as to its binding effect. In view of the nature of the powers under Article 25, the question whether they have in fact been exercised is to be determined in each case, having regard to the terms of the resolution to be interpreted, the discussions leading to it, the Charter provisions invoked and, in general, all circumstances that might assist in determining the legal consequences of the resolution of the Security Council*”.

- The regional arrangement must obtain the ‘authorization of the Security Council’ before undertaking action (Article 53 [1]).
- The Security Council must be ‘kept fully informed of activities undertaken or in contemplation’ (Article [54]).

Regional arrangements are also governed by Article 103, which states, “In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.”

### 1.3 Rules of Procedure and Working Methods

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Article 30 of the Charter stipulates that the Security Council shall adopt its own rules of procedure. In 1946, the Council adopted its Provisional Rules of Procedure (S/96). Member states have repeatedly called on the Council to update the Provisional Rules of Procedure to reflect the Council’s changing work reality and to terminate the rules’ “provisional” status. The Rules of Procedure are still considered provisional today. They have been amended 11 times. The most recent, made in 1982, added Arabic as the sixth official language, in conformity with General Assembly resolution 35/219 of 17 December 1980.<sup>2</sup>

While the Security Council’s working methods derive from the UN Charter and the Provisional Rules of Procedure, their development over the years has largely been based on practice rather than grounded in specific documents. Over time the Security Council has shown flexibility in adapting its working methods to changing circumstances, both within the Council and in the international system.

During the Council’s first 45 years, how the Council worked was transmitted orally from one diplomatic generation to another. In the early years the volume of outcomes was low, and precedents, on which many working methods were built, were relatively easy to trace. With the increase in Council activity in the early 1990s, right after the end of the Cold War, new practices emerged rapidly. The Council occasionally began to issue a note or a statement by the president to articulate its working methods. Examples include sanctions, relations with troop contributors, and terminology used for particular types of meetings. Starting in the early 1990s, the Council began to capture most of its new or modified working methods in separate documents, mainly in Notes by the President of the Security Council. These are formal

Council documents, but they are not decisions. In June 1993, the Council established its Informal Working Group on Documentation and Other Procedural Questions (the IWG). The IWG has focused on the working methods of the Council, including measures to enhance its efficiency, transparency and interactivity.

In 2002 the Council produced the first index to its working methods, listing the symbols and subject matters of its previous documents on working methods in a single document published as a Note by the President (S/2002/1000). Acknowledging the interest of the full UN membership, this document also had a General Assembly symbol (A/57/382). In early 2006, Council members decided to reinvigorate the IWG and move from a monthly rotation of its chairmanship to yearly or biannual rotations. Japan was appointed to the chair in 2006 and in July of that year, the IWG produced a single volume that collected previously agreed documents on working methods and captured new practices that had not been articulated in writing. The Council issued its first comprehensive Note by the President and published it with the document symbol S/2006/507, now commonly referred to as “Note 507”.

### Note 507

The 19 July 2006 Note by the President of the Security Council details 63 practices and measures aimed at enhancing the efficiency and transparency of the Council’s work, as well as improving interaction and dialogue with non-Council members. Earlier notes—which it incorporated as well as further developed—were superseded by Note 507.

In its next two terms on the Council (2009–2010 and 2016–2017), Japan took on the chair of IWG again and revised and added to note 507. The new notes were published in 2010 and 2017. The 2017 note is the most extensive compendium to date of agreed working methods.<sup>3</sup> It highlights practices around the programme of work, informal consultations, co-penholders, dialogue with non-Council members and bodies and Security Council missions. The 2017 Note 507 also highlighted members’ commitment “to continuing to provide opportunities to hear the views of the broader membership on the working methods of the Council, including in any open debate on the implementation of the present note, and to the continued participation by the broader membership in such debates.”

The document number 507 has been used for all but the first of these notes by the president to make it easier to find the papers in the UN documents system, and the implementation of Note 507 has been the agenda item under which the Council has discussed working

methods since 2008. Open debates on working methods have been held regularly since 2008 and have always attracted high interest from member states. In addition, formal wrap-up sessions which are occasionally scheduled by the president of the Council at the end of the month are held under the agenda item “Note 507”.

### **The Penholder System**

The term “penholder” refers to a Council member who leads the negotiation and drafting of resolutions on a Council agenda item. Having a member take the lead in drafting outcomes has been consistent practice since the Council was created, but the penholder “system” is a more recent development. In 2006 when the DPRK and Iran non-proliferation issues came onto the Council’s agenda, France, the UK and the US (the P3) led in drafting and negotiating outcomes on these two sensitive issues. This signalled the emergence of the penholder “system” as a distinct practice. Previously, elected members also played active roles; while a few permanent members may have dominated the drafting of Council outcomes, it was not their exclusive domain. By around 2010 the system of continuous leadership by certain Council members on specific issues had taken root. The P3 had begun informally to share among themselves the role of “penholder” for most country situations and some thematic issues on the Council’s agenda. Recurrent issues that have come into the Council since 2010—Colombia, Libya, Mali, South Sudan and Yemen—have had a P3 member as the penholder.

Permanent members China and Russia have in recent years occasionally served as co-penholders with the US on non-proliferation issues in the DPRK and the Golan Heights, respectively. Elected members have served as penholders on Afghanistan, Guinea-Bissau and some thematic issues. Besides drafting and leading the negotiations on outcomes, the penholder plays a central role in all Council activities concerning that situation including calling meetings, organising debates and leading visiting missions. The penholder system has also led to a practice of the P3 penholder drafting a text and obtaining agreement from the other two, followed by negotiations with China and Russia. Only then is the draft text circulated to elected members, often close to the adoption date. Occasionally, member states that have a close connection to the issue may be consulted.

There was no formal decision or process for these assignments, and the term “penholder” did not appear in a Council-agreed document until 2014. A note by the president of the Council on improving the “efficiency and transparency of the Council’s work” (S/2014/268)

acknowledged that all members can serve as a penholder, affirmed members' commitment to enhancing the participation of all Council members in the drafting of outcomes, and signalled the Council's intention to consult with non-Council members when drafting. In 2017, the updated version of Note 507, incorporated the provisions of the 2014 note and also said that “[m]ore than one Council member may act as co-penholders, when it is deemed to add value, taking into account as appropriate the expertise and/or contributions of Council members on the subjects”. In practice, however, there was little change in penholders, and Council members as well as some among the wider UN membership continued to express their concerns during annual open debates on working methods.

Although any Council member can initiate a draft outcome, it became increasingly difficult to do so. Frustration with this practice led to action from elected members. In a letter to the president of the Security Council at the end of 2018, the permanent representatives of 15 countries, both elected and incoming Council members—Belgium, Bolivia, Côte d’Ivoire, Dominican Republic, Equatorial Guinea, Ethiopia, Germany, Indonesia, Kazakhstan, Kuwait, the Netherlands, Peru, Poland, South Africa and Sweden—stressed that a more equal distribution of work among all members, including through co-penholderships, would improve the overall effectiveness of the Council.<sup>4</sup> In what may be the first step towards a more equitable system, in 2019, Germany, the chair of the Libya sanctions committee, is the co-penholder on Libya sanctions issues with the UK, and is also a co-penholder (with the UK) on Darfur.

## Endnotes *Part I*

- 1 S/RES/496 (15 December 1981), S/RES/507 (28 May 1982), S/RES/573 (4 October 1985) and S/RES/ 577 (6 December 1985)
- 2 S/96/Rev.7
- 3 S/2017/507 (30 August 2017)
- 4 S/2018/1024 (13 November 2018)



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## Part II Conduct of Business

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### 2.1 Voting

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Article 27 of the Charter forms the basis for how the Council votes on both procedural and non-procedural matters.

#### Distinguishing Procedural and Substantive (Non-Procedural) Matters

##### *Procedural Votes*

The Charter distinguishes between votes on “procedural matters” and votes on “all other matters”. Council decisions on procedural matters require nine affirmative votes, with no distinction between the votes of permanent members and other members (Article 27 [2]). In a vote on a procedural matter, a negative vote cast by a permanent member does not act as a veto.

In resolution 267(III) of 14 April 1949 on “The problem of voting in the Security Council”, the General Assembly recommended that the Security Council consider as procedural several types of issues detailed in an annex. These included submission of questions to the General Assembly relating to international peace and security and requesting the General Assembly to make a recommendation on a dispute or situation the Council is seized of (that is, that the Council has on its agenda). Other matters were the approval of annual reports to the General Assembly, holding of meetings at places other than the seat of the UN, and the

#### **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.

establishment of subsidiary bodies by the Council. The Council considered these recommendations, but it took no action.

Throughout the UN's early history, there were disagreements over what constituted a procedural or substantive issue. This occasionally required the Council to vote on the so-called "preliminary question" of whether a particular matter was procedural or substantive before proceeding to a procedural or substantive vote.

Over time, Council practice has confirmed the procedural nature of some issues, including, for example, suspending a meeting, calling for an emergency session of the General Assembly, inviting briefers to participate in Council meetings, and adding or removing agenda items to the list of matters of which the Council is seized ("seizure list").

### Procedural Votes Between 2014 and 2018

The first item of the provisional agenda for each meeting of the Council is the adoption of the agenda (rule 9, Rules of Procedure). Council practice has been to adopt the agenda without a vote unless an objection is raised. If differences over the agenda cannot be worked out among Council members, they are resolved by a procedural vote. Seven of the ten 2014–2018 procedural votes were over an agenda item. Four of these votes were on having a meeting on the human rights situation in the DPRK, the others were on the proposed discussion of Russia's capture of three Ukrainian vessels, a briefing on the findings of the Human Rights Council's fact-finding mission on Myanmar by its chair, and one on a meeting on the human rights situation in Syria by the High Commissioner for Human Rights. The other procedural votes pertained to proposed briefers (Ukraine), sequence of voting (Syria) and postponement of a meeting (Syria).

Between 1946 and 1989, 153 procedural votes were recorded, and between 1989 and 2018, there have been 32. In the late 1980s and early 1990s, the Council held a number of procedural votes almost exclusively to determine participation in meetings. From 1989 to 1992 alone, there were 17 procedural votes (all of which were adopted), 16 on the participation of the Permanent Observer of Palestine in Council proceedings.<sup>1</sup>

Between 1993 and 2013, procedural votes were rare: there were only five, and none at all from 2007 through 2013. Most procedural decisions were reached by consensus. Since 2014, the Council has used procedural votes more regularly, with ten through 2018 on issues such as the DPRK, Myanmar, Syria, and Ukraine. This uptick could reflect increased divisions in the Council, or the assertiveness of members willing to push the Council to address specific issues in the face of opposition, or both. Procedural votes are also resorted to as a way of raising awareness and creating a record of the Council's efforts to engage on particular issues.

### Substantive (Non-Procedural) Matters

#### *The Veto*

Decisions of the Council on substantive matters need the affirmative vote of nine members of the Council and no negative votes from permanent members (Article 27 [3]). This provision of the UN Charter is the basis of the veto, although the Charter itself does not use the term "veto". A negative vote which thwarts a decision that has received at least nine affirmative votes is regarded as

a veto. The abstention, non-participation, or absence of a permanent member is treated as a concurring vote as required by Article 27 (3).

The veto is the most politically-significant institutional advantage of permanent membership, and a sensitive issue in the dynamics among members. While the veto can at times stifle Council action, the big powers made it a condition for the UN's establishment. It was their way of ensuring that no decision related to international peace and security would be taken without their collective support, or at least their acquiescence.

Permanent members use their veto for a range of reasons, including defence of their national interests and those of close allies, or to uphold a tenet of their foreign policy, such as their interpretation of the principle of sovereignty. In some cases, “veto-baiting” is used tactically: the sponsor(s) of a draft resolution will table the document knowing that it will attract a veto. This can show their support, and another member's opposition, to an issue. There have been cases where a sponsor(s) misjudged the readiness of a permanent member to use its veto, as may have been the case when China and Russia vetoed a resolution seeking sanctions on Zimbabwe in 2008.<sup>2</sup>

Since the end of the Cold War in 1991, clear trends have emerged in veto usage. France and the UK have not cast a veto in the

### **Brief History of Permanent Five Vetoes**

The Union of Soviet Socialist Republics (USSR) cast the first veto on 16 February 1946 on a draft resolution on the withdrawal of foreign troops from Lebanon and Syria.<sup>3</sup> In the early years, the USSR cast most of the vetoes, often to block the admission of a new member state, demonstrating a concern about the composition of the General Assembly prior to the wave of decolonisation in the 1960s. The USSR/Russia has cast close to half of all vetoes, numbering 141 by the end of March 2019.

The US cast its first veto on 17 March 1970.<sup>4</sup> The USSR had by that point cast 107 vetoes. Since 1970, the US has used the veto more than any other permanent member, most frequently to block decisions that it regards as detrimental to the interests of Israel. By the end of March 2019, the US had cast 85 vetoes.

The UK has used the veto 32 times, the first time on 30 October 1956<sup>5</sup> during the Suez crisis. France used its veto for the first time on 26 June 1946 with respect to the Spanish Question,<sup>6</sup> and has cast a total of 18 vetoes. Neither country has used the veto since 1989.

China has used the veto 14 times through March 2019, with the first one, on 13 December 1955,<sup>7</sup> cast by the Republic of China (ROC) and the remaining 13 by the People's Republic of China after it succeeded ROC as a permanent member on 25 October 1971.

post-Cold War era. They last used the veto on 23 December 1989 when, together with the US, they blocked condemnation of the US invasion of Panama.<sup>8</sup>

While China has historically used the veto sparingly, it has shown greater willingness to do so in recent years. It cast 11 of 14 vetoes between 1997 and March 2019. While the P3 often cast vetoes together during the Cold War, a recent trend has been for China and Russia to veto drafts in tandem. Between 2007 and February 2019, China and Russia have jointly vetoed drafts on issues including Myanmar;<sup>9</sup> Zimbabwe;<sup>10</sup> Syria,<sup>11</sup> and Venezuela.<sup>12</sup>

China also cast sole vetoes on 10 January 1997<sup>13</sup> and 25 February 1999<sup>14</sup> regarding Guatemala and FYR-Macedonia, respectively, due to both countries having accorded diplomatic recognition to Taiwan.

There has been a marked increase in the use of the veto since 2011, mostly on Middle East issues. From 2011 through 2018, Russia cast 12 vetoes on Syria, including six jointly with China. Other Russian vetoes between 2011 and February 2019 were on two draft resolutions related to the conflict in Ukraine; one on the 20th anniversary of the genocide in Srebrenica; one on sanctions against Yemen; and one jointly with China on Venezuela. Between 2011 and 2018, the US cast three vetoes, all of them on Israel/Palestine issues.

The so-called “hidden” or “pocket” veto is not reflected in statistics on the veto. This refers to cases in which draft resolutions are not formally tabled because of the (actual or implicit) threat of veto by one or more permanent members. Records of a “hidden” veto exist only if a draft resolution is circulated as a Council document, which generally happens only when there is a reasonable expectation of adoption.

### **Reform Proposals: Veto Restraint**

Since the 1990s, several groups have formulated veto restraint initiatives in an effort to counter Security Council lack of effectiveness in addressing atrocity crimes.

In 2001, the International Commission on Intervention and State Sovereignty, which coined the term “the responsibility to protect”, argued that the permanent members of the Council “should agree not to apply their veto power, in matters where their vital state interests are not involved, to obstruct passage of resolutions authorizing military intervention for human protection purposes for which there is otherwise majority support.”

In the run-up to the 2005 World Summit, the High-Level Panel on Threats, Challenges and Change called on the permanent members, “in their individual capacities, to pledge themselves to refrain

from the use of the veto in cases of genocide and large-scale human rights abuses.”

Following up on the High-Level Panel’s recommendation, the Small Five Group (S5)—a group of five small countries (Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland) that espoused a series of reforms intended to improve the Council’s performance—advocated for permanent members to “refrain [...] from using a veto to block Council action aimed at preventing or ending genocide, war crimes and crimes against humanity.” The S5 disbanded in 2012 but its agenda, notably its stance on the veto, was taken on in early 2013 by a group of states that emerged as an informal caucus to advocate for improved Security Council working methods. That group—called Accountability, Coherence and Transparency (ACT)—was launched on 2 May 2013.

A cross-regional group of 27 small and medium-sized states, ACT undertook work on a code of conduct for member states in respect of Security Council action against genocide, crimes against humanity and war crimes. The code is meant to encourage timely and decisive action by the Council to prevent or end the commission of these crimes. It urges the permanent members voluntarily to agree to refrain from using their veto in situations involving mass atrocity crimes, but any member of the Council is invited to accede to the code, as is any other state that may, at some point, become a member of the Council. On 1 January 2019, there were 119 member states and two observers supporting the Code of Conduct, including two permanent members of the Council—France and the UK—and eight elected members serving in 2019: Belgium, Côte d’Ivoire, Dominican Republic, Germany, Indonesia, Kuwait, Peru and Poland.

Permanent member France has also advocated voluntary restraint on the veto on the part of the permanent members since the mid-2000s. In September 2014, on the margins of the 69th session of the General Assembly, France, joined by Mexico, organised a ministerial-level event on this issue where the co-chairs called on the P5 to “voluntarily and collectively pledge not to use the veto in case of genocide, crimes against humanity and war crimes on a large scale.” However, among the permanent members, only the UK has supported the French initiative.

### **Obligatory Abstentions**

Article 27 (3) of the UN Charter not only enshrines the veto power of permanent members, but also places limits on this power through the rule of obligatory abstention. It provides that “in decisions under

Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting”. Article 52 (3) focuses on the pacific settlement of local disputes.

Every member of the Security Council—permanent and non-permanent alike—is required to abstain from voting on a decision when all the following conditions are met:

- the decision to be voted on is not procedural;
- the decision falls under Chapter VI or Article 52 (3);
- there is a dispute; and
- the Council member in question is a party to the dispute.

Obligatory abstentions do not apply to Chapter VII decisions, meaning that in such decisions a member *is* permitted to vote in situations where it is a party to a dispute.

The practice of the Security Council, and its members, in raising and complying with the Article 27 (3) abstention rule has been inconsistent since 1946, and largely non-existent since 17 April 2000, the last time a member state raised the issue in the Council.<sup>15</sup> The last Article 27 (3) abstention from voting dates back to 23 June 1960, and the most recent reference to the spirit of the provision was in a Council thematic debate on 13 May 2003.<sup>16</sup> With the exception of the UK in 1947, permanent members have never shown an interest in raising the matter, and non-permanent members have done so only sporadically.

Obligatory abstentions are rare. Only six Council members have abstained from voting in the Council or cast an abstention that explicitly or implicitly acknowledges Article 27 (3). France and the UK abstained from voting on the Syrian and Lebanese question in 1946. The UK abstained from voting in the following cases: twice on draft resolutions on the Corfu Channel Question in 1947<sup>17</sup> and 11 times on the Egyptian Question, in 1947, on three draft resolutions and their respective amendments.<sup>18</sup> Egypt abstained from voting once on the Palestine Question in 1950, explicitly citing Article 27 (3) despite the “lack of precedents”.<sup>19</sup> Argentina also explicitly referred to Article 27 (3) to explain its non-participation in the adoption of resolution 138 (1960) on the Eichmann Question.<sup>20</sup>

The India-Pakistan Question remains a unique case in which the two parties concerned abstained from voting on every relevant resolution and decision under consideration while they were on the Security Council in 1950-1951 (India) and 1952-1953 (Pakistan). India did so six times<sup>21</sup> while Pakistan did so once.<sup>22</sup> (Pakistan participated in one decision taken without a vote on this issue on 31 January 1952.)

Russia's 2014 veto of a draft resolution under Chapter VI on the situation in Ukraine without discussion of Article 27 (3) in the Council is an example of the difficulties of applying this provision.<sup>23</sup> Permanent members, in particular, may not have the appetite to fight for this provision when it could be used to curtail their ability to cast a veto in future cases in which they are parties to a dispute.

### **Voluntary Abstentions and Non-Participation**

Council members can choose to abstain from voting on a substantive decision. At the time the Charter was adopted it was unclear how the voluntary abstention of permanent members would be interpreted in the context of substantive decisions which, according to Article 27 (3), need the "concurring votes of the permanent members". The practice of the Council, however, has made clear that voluntary abstentions by permanent members are interpreted as "concurring votes". Abstentions do not block the adoption of a decision if there are nine affirmative votes and no negative votes from the permanent members.

The Charter does not address the non-participation in voting of Council members, and Council practice has treated non-participation by a permanent member as voluntary abstention. Non-participation

### **Putting a Resolution in Blue**

In the 1960s the sponsors of draft resolutions began circulating their drafts outside Council meetings, rather than submitting them during meetings. These draft resolutions were printed in blue ink, which gave rise to the concept of putting a draft "into blue" usually just ahead of a vote. The blue draft resolution has a document number and is issued in provisional form. "Blue" draft resolutions remain in blue indefinitely unless cancelled or turned into "black" (when voted on).

Changes to a resolution in blue – which are rare – are incorporated into a revised version of the blue draft resolution. When revisions are made to a text in blue during a formal meeting, the president of the Council specifies the changes made, and in putting the text to a vote at a meeting, refers to the changes as oral amendments.

The sponsor(s) of a draft resolution may at any time request that a draft resolution be put into "blue". This is often either when a text has been informally agreed among all members of the Council or when it is clear no further progress can be achieved through negotiations. Once in blue, the draft is considered to have been submitted. Nothing in the Provisional Rules of Procedure addresses the time period between a draft being put into blue and a vote being taken. In practice, there is a minimum 24-hour rule, although there have been cases where a draft in blue has been put to the vote much faster. The Russian draft on the investigation by the Organisation for the Prohibition of Chemical Weapons (OPCW) into the reported use of chemical weapons in Douma in Eastern Ghouta was circulated on the morning of the vote on 10 April 2018.

has been used to show displeasure with the vote, or in place of an obligatory abstention as discussed under Article 27 (3) above.

### **Voting on Draft Resolutions, Amendments and Paragraphs**

The Provisional Rules of Procedure of the Council provide the order of voting on draft resolutions, amendments and paragraphs—namely, that “Principal motions and draft resolutions shall have precedence in the order of their submission” (Rule 32). The moment of submission is deemed to be when the sponsor asks to put a resolution in blue.

#### *Can a resolution be withdrawn once it has been put in blue?*

A draft resolution can be withdrawn by the sponsor after being put in blue, as long as no vote has been taken on it (Rule 35).

#### *What is the order of voting on amendments?*

It is rare for the Council to vote on multiple amendments, but the Provisional Rules of Procedure provide guidance on the precedence of voting on amendments. Rule 33 states that the introduction of an amendment has precedence over all principal motions and draft resolutions. In other words, proposed amendments shall be voted on first. On 11 March 2016, when Egypt proposed an amendment to a paragraph of a US draft resolution addressing sexual abuse by peacekeepers, a vote was first taken on the Egyptian paragraph. It failed to receive

### **Middle East and Protection of Civilians Draft Resolution (2018)**

On 1 June 2018, the Council was scheduled to vote on a Kuwait draft resolution on the situation in Gaza and the protection of civilians. On the eve of the vote, the US proposed 31 amendments to the 31-paragraph Kuwaiti draft resolution. The amendments would have changed the draft significantly by focusing attention on the role of Hamas in the recent unrest in Gaza and removing language related to Israel's involvement. If seen as a new draft resolution, according to Rule 32, it would be voted on after the Kuwaiti draft, as it had been submitted later. If seen as amendments, then according to Rule 33 the US text would be put to a vote first. Somewhat unusually, the US asked for their amendments to be put in blue. Council members received the draft text with a new document number; nonetheless, the US wanted the text to be voted on as one amendment to the original text, rather than as separate amendments or as a new resolution.

Nothing in the provisional procedural rules precludes this format, but there had been only one previous case where several amendments were voted on as a single amendment. The US was eventually persuaded to submit its amendments as a new draft resolution which was voted on after the Kuwaiti draft in line with Rule 32. It attracted a single affirmative vote: that of its sponsor, the US.



the minimum number of votes, and the US draft was then voted on and adopted.

According to Rule 36 of the Provisional Rules of Procedure, the president of the Council shall rule on the order in which amendments are voted on, if there are two or more, with the understanding that the amendment furthest removed from the substance of the original proposal is to be voted on first, followed by the amendment next furthest removed; however, “when an amendment adds to or deletes from the text of a motion or draft resolution, that amendment shall be voted on first.”

Any representative can ask for parts of a draft resolution (understood to mean paragraphs) to be voted on separately (Rule 32). That is then done, unless there is an objection from “the original mover” (understood to mean the sponsor). In this process, entire paragraphs can be voted out of a draft in blue, before the amended resolution is voted on. Members may use this process to explain their reservations over aspects of the draft resolution.

#### *What happens if a draft resolution is seconded?*

A draft resolution does not need to be seconded (Rule 34). It sometimes occurs, however, and a representative who has seconded a draft resolution can ask for it to be put to a vote in the same precedence as if “the original mover had not withdrawn it” (Rule 35). This procedural rule was used on 16 November 2017 in a vote on renewing the mandate of the OPCW-UN Joint Investigative Mechanism. There were two draft resolutions on the table, one by Russia and the other by the US. At the start of the meeting, Bolivia seconded the Russian draft. Russia’s draft had been put in blue first and should thus have been voted on first, but Russia asked for its draft to be voted on after the American draft. This proposal was eventually put to a procedural vote, but when this was defeated, Russia withdrew its draft. The American draft was voted on but was not adopted as it fell short of nine votes in favour. Bolivia then recalled that it had seconded the Russian draft and, invoking Rule 35, asked for the Russian draft to be put to a vote. A vote was taken but the draft resolution, now with Bolivia as the sponsor, also failed to garner the necessary nine votes in favour.

#### **Voting on the Order of Amendments: Situation between Iraq and Kuwait (1991)**

At a meeting on the situation between Iraq and Kuwait on 2 March 1991, the Council had before it a draft resolution submitted by the US.<sup>24</sup> Cuba had submitted 18 amendments to the draft. According to the permanent representative of Cuba, its amendments sought to ensure that the Council was able to establish a ceasefire and assume responsibility for the implementation of the ceasefire as well as achieve a sense of balance and moderation in the draft resolution. The US had three oral amendments which were presented at the meeting. Using Rule 36 of the Provisional Rules of Procedure, the Council president (Austria) specified the order that the 18 amendments would be voted on, following which the Council voted on each amendment in that order.

## 2.2 Agenda of the Security Council

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The term “agenda” refers both to the agenda of a Council meeting adopted at the start of every formal meeting (Rule 9), and more broadly to all matters of which the Council is seized, which are said to be “on the agenda of the Security Council”.

### Provisional Agenda

According to Rule 7, the provisional agenda for a formal meeting of the Council should be drawn up by the Secretary-General—in practice, it is done by SCAD, the UN’s Security Council Affairs Division—and approved by the Council president. The Provisional Rules of Procedure also provide guidance on items that can or must be included in a provisional agenda. Under Rule 6, the Secretary-General “shall immediately bring to the attention of representatives of the Security

### What Does it Mean for the Council to be Seized?

The so-called “seizure list” is the list of items which the Council has formally included on an agenda for a formal meeting, and which have not been finally disposed of. According to Rule 11 of the Provisional Rules of Procedure, the Secretary-General “shall communicate each week to the representatives of the Security Council a summary statement of matters of which the Security Council is seized and the stage reached in their consideration”. The first Summary Statement was issued on 23 April 1946. The Secretariat publishes this list every month, with weekly updates.

Items are kept on the seizure list until the Council indicates that it has completed its consideration of the matter.

Some items have been on the list for decades; several had long been considered obsolete, making the list unnecessarily cluttered. Through presidential notes in 2006 and 2008, the Council established a process for pruning the seizure list.<sup>25</sup> Through Note 507 in 2006, a procedure was introduced under which the Secretary-General’s January summary statement of the seizure list would identify items for deletion. Member states were given a deadline (the end of February) by which to notify the president of the Council if they wanted items to be retained. Items not discussed in the previous five years would be deleted if there was no request to retain them. The 2008 presidential note reduced this period from five to three years. If a member requests retention, the item remains on the list for one additional year, unless the Council decides otherwise.

In practice, therefore, the first list issued in March each year should reflect the items retained due to member states’ requests, and also present the new full list of the items of which the Council is seized.

Starting in 2006, the seizure list has been issued with the same symbol, S/(year)/10 and the weekly addenda are issued as S/(year)/10/Add.xy.

Council members all communications from States, organs, or the Secretary-General” on any matter for consideration by the Security Council in accordance with the provisions of the Charter. Items that can be included in the agenda are the “communications” listed in Rule 6, items that have been under consideration but not completed at a previous meeting (Rule 10), and matters which the Council had previously decided to defer (Rule 7).

## 2.3 Powers of the Council President

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### How is the Council presidency determined?

In accordance with Rule 18 of the Provisional Rules of Procedure, the presidency is held for the calendar month, in turn, by each member of the Security Council in the English alphabetical order of their names. The president is responsible for the conduct of meetings of the Security Council and is authorised to represent the Security Council in relations with other organs of the UN and with member states.

### What are the powers of the Council president?

According to the Provisional Rules of Procedure, the president:

- Calls meetings when necessary (Rule 1)
- Approves the provisional agenda (Rule 7)
- Presides over meetings (Rule 19)
- Cedes the presidency when he deems that he should not preside due to an issue having a direct connection to his country (Rule 20)
- Calls on representatives to speak in the order they have asked to speak (Rule 27)
- Accords precedence during a meeting to any rapporteur appointed by the Council (Rule 29)
- States a ruling if a representative raises a point of order, and if challenged, submits the matter to the Council (Rule 30)
- If two or more amendments to a draft resolution are proposed, rules upon the order they are to be voted on (Rule 36)
- Signs verbatim record of Council meetings (Rule 53)
- Refers application for UN membership to a committee (Rule 59)

In informal meetings (consultations and informal interactive dialogues), the president’s role is similar. Additionally, the Council president presents any statement to the press or press elements.

## The Council Presidency in Practice

The Council presidency plans the programme of work for the month. The UN Secretariat provides the base programme of work with information on mandate renewals and reporting cycles a few months in advance of the presidency and prepares the preliminary programme of work (PoW). Every month, the Secretariat updates the “Security Council Reporting and mandate cycles”.<sup>26</sup>

The presidency usually adds to the programme of work events it considers of particular importance. Ahead of the presidency month, the presidency team will consult with other members on the programme of work. Members will come to agreement, generally at the political coordinator level, about two weeks before the start of the presidency. On the first working day of the presidency, the Council president holds an informal breakfast to discuss the draft programme, attended by the permanent representatives of all Council members. This breakfast was a working methods innovation by New Zealand which afforded permanent representatives a systematic but informal discussion about the programme, largely eliminating the time-consuming bilateral consultations on the programme of work that used to take place between the president and the other Council members. The draft programme of work is usually adopted following the breakfast. The president then holds separate briefings for member states and the press. The provisional programme of work is placed on the Council’s website and revised over the month by the president of the Council.

### What happens if members can’t agree on the programme of work?

In late 2018 and early 2019, members were twice unable to agree on the programme of work at the start of the month. In September 2018, under the US presidency, disagreement over whether to include Nicaragua meant that the programme was not adopted on 4 September 2018 (the first working day of the month). Instead, an “unofficial calendar of events” was circulated. The meeting on Nicaragua was held on 5 September, following which the Council adopted the provisional programme of work for September.

In February 2019, the provisional programme of work for the month was not adopted due to disagreement over including a meeting on Kosovo. Whether to maintain or to reduce the quarterly reporting on the UN Mission in Kosovo had long been a matter of disagreement between members. The Council president announced a “plan of action” for the month. Following agreement on a reduced reporting cycle in the future, the meeting on Kosovo went ahead, after which the provisional programme of work for the month was adopted.

Late in the month before the presidency, the incoming Council president usually meets with top Secretariat officials, including the Secretary-General. To arrange such meetings, the mission of the incoming presidency contacts the relevant Secretariat offices several weeks in advance.

Each presidency hosts a luncheon with the Secretary-General, and most presidencies hold a (formal or informal) wrap-up session. An end-of presidency reception is also a tradition. Each presidency is expected to produce an assessment of its presidency month. The July presidency has the additional task of coordinating the preparation of the annual report. Under Article 24 (3) of the UN Charter, the Security Council must submit an annual report to the General Assembly for its consideration.

## 2.4 Meetings of the Security Council

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The Charter includes several articles pertaining to meetings. The Council shall be “so organized as to be able to function continuously” (Article 28); Article 28 (2) provides for “periodic meetings” of the Council at which members may be represented by a “member of the government or by some other specially designated representative.” These periodic meetings are known today as ministerial or summit meetings, where two or more representatives of the Council attend at minister level or higher. The Council has been creative in devising meeting formats to meet its needs, such as Arria-formula and Informal Interactive Dialogue meetings.

The Provisional Rules of Procedure provide details for the convening and holding of meetings. According to these rules, meetings of the Council, with the exception of periodic meetings, can be called for by the president under the following circumstances:

- when the president “deems necessary” (Rule 1);
- at the request of a member of the Council (Rule 2);
- if a dispute is brought to the attention of the Council under Article 35 or Article 11 (3) of the Charter (Rule 3);
- at the recommendation of or referral by the General Assembly under Article 11 (2) (Rule 3); and
- when the Secretary-General brings a matter to the attention of the Council under Article 99 (Rule 3).

In practice, the president of the Council consults with the other members of the Council on holding a meeting as well as on the timing. There are times when, although a meeting has been requested according to the Charter and Provisional Rules of Procedure, the president may choose not to call for it, if there is a lack of agreement among Council members.

Neither the Charter nor the Provisional Rules of Procedure provide much guidance on meeting formats. According to the Provisional Rules of Procedure, “Unless it decides otherwise, the Security Council shall meet in public” (Rule 48). Meetings of the Council shall normally be held at the seat of the UN in New York (Rule 5), any member of the Security Council, or the Secretary-General, may propose that the Council meet elsewhere: the Council will decide on the place and time of the meeting. Article 28 (3) also provides that the Council may hold meetings at places other than the seat of the UN. Since New York’s establishment as the UN’s headquarters, the Council has occasionally met in other locations: Addis Ababa (1972); Panama City (1973); Geneva (1990); and Nairobi (2004).

### **Format of Meetings of the Security Council**

Meetings of the Council can be formal or informal. Formal meetings may be either public or private. Informal meetings are closed meetings with restricted attendance and no record and are held in a conference room at the UN.

## **2.5 Formal Meetings**

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### **Public Meetings**

#### *Open Debate*

An open debate is one in which non-member states, permanent observers and members of the Secretariat can participate. States that are not members of the Security Council can request permission under Rules 37 or 39 of the Provisional Rules of Procedure to participate without the right to vote, and the Council decides whether or not to accede to such a request. Members of the media and the public are also allowed to attend these meetings.

Open debates have become more frequent over the years, with most focused on themes rather than situations on the Council’s agenda.

### *Debate*

Only members of the Council take part in a debate. However, the parties directly involved can ask to participate under Rule 37. For example, in debates on Kosovo, both Kosovo and Serbia generally participate.

All public Security Council meetings have a record (issued with symbol S/PV followed by the consecutive number of the meeting; since the early 2000s they are on the UN website as “UN Web TV”).

### *Briefing*

A briefing involves a presentation to the Security Council, often of regular reports, by a member of the Secretariat (typically the Secretary-General, Under-Secretaries-General, special representatives or special envoys) or by invited speakers, such as the head of the country-specific configuration of the Peacebuilding Commission. Council members deliver statements following briefings, and the host government or government that is the topic of discussion may also speak.

### *Adoption*

A formal public meeting is held in the chamber when the Council votes on a draft resolution, takes a procedural vote or adopts a presidential statement. The meeting is open to all to observe, but only Council members vote or make statements.

### **Private Meetings**

According to Rule 48 of the Provisional Rules of Procedure, the Council should normally meet in public. However, Rule 48 mentions at least one instance when the Council should meet in private: on the Council’s recommendation for the appointment of the Secretary-General. Until the 1990s, this format was most commonly used for discussing the Secretary-General’s appointment and the Council’s annual report to the General Assembly.

Any member of the UN and members of the Secretariat and other persons may upon their request be invited to be present or participate in the discussion in accordance with Rule 37 or 39 of the provisional rules of procedure. Council members may deliver statements. A communiqué is issued following the meeting (Rule 55). A single copy of the record of the meeting is kept by the Secretary-General and can be

### **First Meeting of the Security Council**

The first meeting of the Security Council was held on 17 January 1946 in Church House, Westminster, London. Among the issues on the agenda were the report of the Preparatory Commission, selection of the president of the Security Council, adoption of the agenda, adoption of the Provisional Rules of Procedure, and the appointment of the Secretary-General. For five months, from 25 March to 15 August 1946, the Security Council operated out of Hunter College in the Bronx, New York City, and then moved to Lake Success, Long Island. In 1952 it moved to the new UN Headquarters in Manhattan, New York City. The Council held its 574th meeting in its official chamber in the UN Secretariat building in New York on 4 April 1952.

viewed only by those who attended the meeting and those authorised (Rule 51 and 56).

Today, the private meeting format is most commonly used in meetings with troop-contributing countries (TCCs), ahead of mandate renewals, and for the election of ICJ judges and meetings. It is also still used for discussions and decisions related to the selection of the Secretary-General.

This format has also been used for some wrap-up sessions at the end of a presidency, held to assess the work of the Council, evaluate the implementation of its decisions, and highlight important decisions taken that month.

## 2.6 Informal Meetings

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### **Informal Consultations of the Whole**

Consultations are “informal” meetings among members of the Security Council. Members of the Secretariat may be invited to brief, but member states not on the Council cannot participate. These meetings take place behind closed doors in a room adjoining the Council chamber. There is no formal record of consultations. The agenda, which is adopted at the start of every meeting, includes “other matters” under which issues both on the Council’s agenda and issues of concern to a member or members can be discussed.

All formal meetings of the Council as well as consultations are reflected on the monthly programme of work and are included in the UN Journal.

### **Informal Interactive Dialogue**

An Informal Interactive Dialogue is an informal private meeting of Security Council members convened to hold a discussion with one or more non-Council member state(s), regional organisations or other invited speakers to allow for an exchange of views on situations that concern them directly. Informal interactive dialogues are presided over by the Council president and are held in a meeting room other than the Council chamber or consultations room. Such meetings tend to be situation-specific; their participants are usually high-level officials and, even though the meeting is informal, all Council members attend. Access is limited to Council members and the Secretariat.

The informal interactive dialogue format was first used in February 2009 when a delegation of the AU and the League of Arab States



wanted to meet with the Council to discuss the International Criminal Court’s arrest warrant for President Al-Bashir of Sudan. Some members were opposed to a formal meeting due to procedural concerns about how the Council should interact with international organisations. As a compromise, Council members met with the two organisations in a conference room. This format was used to discuss Sri Lanka, an issue that was not on the Council’s agenda, in the first half of 2009. It has also been used when the Council has wanted to brief or advise an incoming Special Representative of the Secretary-General.

### **Arria-Formula Meetings**

Arria-formula meetings are convened at the initiative of a member or members of the Security Council and enable the Council to meet with a variety of actors including high-level delegations from member states not on the Council, representatives of non-state actors, heads of international organisations, high-level UN officials, representatives of non-governmental organisations, or civil society. Holding these meetings does not require the agreement of the full Council, and some members may decide not to participate. These meetings provide a space for dialogue with actors who would otherwise have difficulty briefing the Council, either due to the topic or the speaker. Arria-formula meetings have sometimes been organised at short notice: in March 2018, for example, an Arria-formula meeting was quickly organised after a procedural vote derailed a scheduled Council briefing on the human rights situation in Syria by the High Commissioner for Human Rights, Zeid Ra’ad Al Hussein.

In terms of process, the organiser of the meeting sends a written invitation to the other 14 members of the Council informing them of the place, date and time of the meeting as well as of the briefers. A concept note is usually circulated ahead of the meeting. Arria-formula meetings can be open, meaning that other member states and civil society can attend, or closed, where only Council members can participate. Since August 2016, most open Arria-formula meetings have been available online on “UNWeb TV”. The meetings have no written record, but some concept notes and/or summaries have been circulated as Council documents at the organiser’s request.

### **What is the origin of Arria-formula meetings?**

During Venezuela’s presidency of the Council in March 1992, its Ambassador Diego Arria was contacted by Father Jozo Zovko, a Bosnian Croat Franciscan priest who wanted to convey an eyewitness account of the violence in Bosnia and Herzegovina to members of the Council. As Zovko was neither a member of the Secretariat nor a member state, the existing meeting formats would not have allowed him to provide a private briefing to the Council. Arria decided to invite Council members to meet with Father Zovko in the UN delegates’ lounge over coffee. This innovative informal meeting format came to be known as the “Arria-formula”. With the concurrence of Council members, subsequent Arria-formula meetings moved from the delegates’ lounge to a UN conference room or a chamber of a body other than the Security Council and have been supported by simultaneous interpretation.

## 2.7 Decisions and Outcomes

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Under Article 25 of the Charter, “Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.”

The Security Council’s determinations are published in formal documents such as resolutions, presidential statements, notes or letters by the president of the Council, or issued as informal press statements by the president. The Charter does not direct any UN body to use a particular form for communicating its decisions or views, nor does it discuss the legal effect of these pronouncements. Resolutions and presidential statements are considered formal decisions of the Council. Notes and letters by the president of the Security Council are formal Council documents but are not decisions.

### Resolutions

Resolutions are formal decisions of the Council, and when published are numbered in a continuous sequence following the formula S/RES/(number). Any member of the UN may submit proposals and draft resolutions, but these are put to a vote only at the request of a representative of the Council (Rule 38). In practice the lead or “penholder” on a given issue on the Council’s agenda will provide a first draft. Resolutions can also be drafted by a “Group of Friends” (examples have included resolutions on the UN missions in Haiti, Western Sahara, Georgia and Timor-Leste). Occasionally the Secretariat has produced the first draft, as it did for resolutions on the renewal of the mandate of the UN Disengagement Observer Force. Draft resolutions go through a process of negotiation before they are put under a “silence procedure”—normally lasting 24 hours—to allow for final comments from Council members before being put “in blue”. Resolutions are used for authorising and renewing UN mission mandates, establishing and renewing sanctions regimes and mandates of sanctions panels of experts, making recommendations to parties involved in a conflict and authorising the use of force, among other situations.

### Presidential Statements

Presidential statements (PRSTs) are consensus documents, adopted at formal Council meetings. During these meetings the Council president will either read out the statement or indicate that it has been agreed to by Council members and will be issued. Council members may make statements after a presidential statement is adopted. PRSTs

are considered decisions of the Council and since 1994 have been issued with the symbol “S/PRST/(year)/(number)”. Occasionally one or more members have dissociated themselves from a presidential statement after it is read out. This does not invalidate the statement.<sup>27</sup>

**Notes by the President**

Notes by the President are used flexibly for a number of purposes, including to transmit a report by another body or a letter from a member state to the UN membership. Since 1993, almost all understandings and agreements among Council members regarding working methods have been articulated through this format.

**Letters by the Council President**

The Council president may send a letter “under the authority of the Security Council”, pursuant to Rule 19 of the Provisional Rules of Procedure, to represent the Council “in its capacity as an organ of the United Nations.”<sup>28</sup> Letters sent by the Council president are consensus documents.<sup>29</sup> A Council decision can be published in the form of a letter by the Council president.<sup>30</sup> When Council members decide to undertake a visiting mission, for example, the president sends a letter to the Secretary-General with the terms of reference, itinerary and participants.<sup>31</sup> This allows the Secretary-General to allocate funds for the mission from the UN budget and make travel and security

**TABLE 3 COUNCIL OUTCOMES**

<b>Output</b>	<b>Document</b>	<b>Description</b>
<b>Resolution</b>	S/RES/(number)	An affirmative vote of nine members including the concurrent votes of the P5 in a public meeting. Adoption in a public meeting. <sup>32</sup>
<b>Statement by the President</b>	S/PRST/(year)/(number)	Consensus in informal consultations or by “no objection” procedure. The president of the Security Council reads out the statement in a public meeting.
<b>Note by the President</b>	S/(year)/(number)	Consensus in informal consultations or by “no objection” procedure.
<b>Press Statement</b>	SC/(number)	Consensus in informal consultations or by “no objection” procedure.
<b>Elements to the Press</b>	No document	Agreement by Council members obtained ahead of the president speaking to the press.

arrangements.<sup>33</sup> Today, the majority of decisions in letters pertain to appointments of new representatives and envoys of the Secretary-General and peacekeeping force commanders.<sup>34</sup>

### **Press Statements**

Press statements are not considered decisions of the Council. They are made on behalf of the Council by the president and are issued as UN press releases by the Department of Public Information with the symbol “SC” and a consecutive number. (The Department also issues press releases on other Council activities, also with the SC symbol.) A press statement requires agreement from all members of the Council and is a negotiated text. It is often used when a quick response is needed—in response to a terrorist attack, for instance<sup>35</sup>—but some press statements on politically sensitive issues may take weeks to negotiate. They are used to send political messages, often following a briefing on an issue on the Council’s agenda. Press statements may also be issued on matters not on the Council’s agenda, signalling that the Council is watching a situation.<sup>36</sup> While press statements are generally read out to the press by the president in the “stakeout” area, they can also be circulated electronically without being read out.

### **Remarks to the Press**

“Remarks to the press”, also known as “press elements”, are read out by the Council president to the press but are not issued in writing. They are not a fully-agreed text but rather elements which have been approved by the members.

## **2.8 Security Council Activities**

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### **Visiting Missions**

Council visiting missions have been deployed under the broad powers granted by Article 29 of the UN Charter, according to which the Council “may establish such subsidiary organs as it deems necessary for the performance of its functions.” They have been used for a variety of reasons, including assessing the implementation of Council decisions, preventing an escalation of violence, supporting political agreements and peace processes, reviewing the mandate of a peacekeeping operation, and getting a better understanding of the situation on the ground.

In the past, visiting missions were sometimes made up of small groups of Council members, but today, all 15 members tend to take part. The Council's Provisional Rules of Procedure do not provide guidance on visiting missions. In practice, the agreement to conduct a visiting mission is reached during informal consultations, with consent needed from all 15 members. The decision to undertake a mission and its terms of reference are recorded and conveyed through letters to the Secretary-General.

### **Security Council Retreat with the Secretary-General**

The Secretary-General holds an annual retreat with the Security Council, usually at a location outside of New York City. Unusually, in 2018, it was held in Backåkra, the private estate of Dag Hammarskjöld, the UN's second Secretary-General, at the initiative of Sweden (Hammarskjöld's home country) and Peru (the Council president that month). These retreats started in 1998 at the initiative of Secretary-General Kofi Annan. They tend to focus on cross-cutting thematic issues, such as peacekeeping, peacebuilding, conflict prevention, human rights, terrorism and regional organisations.

The retreat allows senior Secretariat and Council members to interact in an informal setting and to have strategic discussions on key peace and security issues. A background paper is produced ahead of the retreat but there is no formal outcome.

## Endnotes Part II

1. [https://www.un.org/en/sc/repertoire/89-92/89-92\\_4.pdf](https://www.un.org/en/sc/repertoire/89-92/89-92_4.pdf)
2. S/2008/447 (11 July 2008)
3. S/PV.22 (16 February 1946)
4. S/9696 and Corr. 1 and 2 (17 March 1970)
5. S/3710 (30 October 1956)
6. S/PV.49 (26 June 1946)
7. S/3502 (10 December 1955)
8. S/21048 (23 December 1989)
9. S/2007/14 (12 January 2007)
10. S/2008/447 (11 July 2008)
11. S/2011/612 (4 October 2011), S/2012/77 (4 February 2012), S/2012/538 (19 July 2012), S/2014/348 (22 May 2014), S/2016/1026 (5 December 2016), and S/2017/172 (28 February 2017)
12. S/2019/186 (28 February 2019)
13. S/1997/18 (10 January 1997)
14. S/1999/201 (24 February 1999)
15. S/PV.4128 (17 April 2000)
16. S/PV.4753 (13 May 2003)
17. S/PV.122 (25 March 1947) and S/PV.127 (9 April 1947)
18. S/PV.198 (28 August 1947), S/PV.200 (29 August 1947) and S/PV.201
19. S/PV.524 (17 November 1950)
20. S/PV.868 (23 June 1960)
21. S/PV.470 (14 March 1950), S/PV.471 (12 April 1950), S/PV.539 (30 March 1951), S/PV.543 (30 April 1951), S/PV.548 (29 May 1951) and S/PV.566 (10 November 1951)
22. S/PV.611 (23 December 1952)
23. S/PV.7138 (15 March 2014)
24. S/PV.2978 (3 March 1991)
25. S/2006/507 (19 July 2006) and S/2008/847 (31 December 2018)
26. The Security Council Reporting and mandate cycles can be accessed online through the Security Council Secretariat Branch.
27. Sievers, Loraine and Daws, Sam, *The Procedure of the UN Security Council*, 4th edition (Oxford: Oxford University Press, 2014), page 398, lines 38–41.
28. Sievers and Daws, *The Procedure of the UN Security Council*, page 426, lines 29–31.
29. Sievers and Daws, *The Procedure of the UN Security Council*, page 426, line 32.
30. Sievers and Daws, *The Procedure of the UN Security Council*, page 426, lines 33–34.
31. Sievers and Daws, *The Procedure of the UN Security Council*, page 426, lines 34–36.
32. The one exception is the resolution with the Council's recommendation for the next Secretary-General, which is voted on in a private meeting.
33. Sievers and Daws, *The Procedure of the UN Security Council*, page 426, lines 37–39.
34. Sievers and Daws, *The Procedure of the UN Security Council*, page 427, lines 23–25.
35. Sievers and Daws, *The Procedure of the UN Security Council*, page 433, lines 29–31.
36. Sievers and Daws, *The Procedure of the UN Security Council*, page 433, lines 24–26.

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## Part III Subsidiary Bodies of the Security Council

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### 3.1 General Overview

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Article 29 authorises the Security Council to establish “such subsidiary organs as it deems necessary for the performance of its functions”, including sanctions committees, working groups and committees that promote international norms in areas of counter-terrorism and the prevention of the proliferation of weapons of mass destruction. These subsidiary bodies are under the direct authority of the Council and are composed of all 15 Council members. The one exception is the only subsidiary body established by the UN Charter, the Military Staff Committee, which comprises only the permanent members. Standing committees, such as the Committee of Experts on Rules of Procedure, Committee on the Admission of New Members and the Committee on Council Meetings away from Headquarters, are chaired by the president of the Council, rotating monthly, but meet rarely. All the other committees and working groups are chaired or co-chaired by designated members of the Council.

#### **How are Chairs of Subsidiary Bodies chosen?**

For some years, all the subsidiary bodies of the Council have been chaired exclusively by elected members, with the permanent members determining the chairs of subsidiary bodies, consulting little with the elected members. The appointment of the chairs of subsidiary bodies was often announced late in the year, or the following January. Increasing discontent from elected members over the lack of transparency

# SECURITY COUNCIL SUBSIDIARY BODIES

## An Overview

as of 15 May 2019





## Sanctions Committees

Panel of Experts →

**751 Somalia Sanctions Committee**

*Chair: Belgium*

**1267/1989/2253 ISIL [Da'esh] and Al-Qaida Sanctions Committee**

*Chair: Indonesia*

**1988 Afghanistan Sanctions Committee**

*Chair: Indonesia*

← **Monitoring Team** →

**1518 Iraq Sanctions Committee**

*Chair: Poland*

**1533 Democratic Republic of the Congo Sanctions Committee**

*Chair: Kuwait*

**Group of Experts** ↑

**1591 Sudan Sanctions Committee**

*Chair: Poland*

**Panel of Experts** ↑

**1636 Lebanon Sanctions Committee**

*Chair: Equatorial Guinea*

**1718 Democratic People's Republic of Korea Sanctions Committee**

*Chair: Germany*

**Panel of Experts** ↑

**1970 Libya Sanctions Committee**

*Chair: Germany*

**Panel of Experts** ↑

**2048 Guinea-Bissau Sanctions Committee**

*Chair: Equatorial Guinea*

**2127 Central African Republic Sanctions Committee**

*Chair: Côte d'Ivoire*

**Panel of Experts** ↑

**2140 Yemen Sanctions Committee**

*Chair: Peru*

**Panel of Experts** ↑

**2206 South Sudan Sanctions Committee**

*Chair: Poland*

**Panel of Experts** ↑

**2374 Mali Sanctions Committee**

*Chair: Dominican Republic*

**Panel of Experts** ↑

led to a presidential note in 2016 that introduced significant improvements to this process. The presidential note:

- recommended a target date of 1 October for agreement of the chairs of subsidiary bodies;
- called for an informal consultation process on appointments to be “undertaken in a balanced, transparent, efficient and inclusive way”; and
- stated that the process was to be facilitated jointly by two members of the Council working in “full cooperation”.

In 2017, some of these recommendations were implemented and the guidelines incorporated into the next Note 507 (S/2017/507). In practice, the two members that facilitate the process are the chair of the Informal Working Group on Documentation and Other Procedural Questions (IWG) and the current coordinator of the P5 (this position rotates every three months). Following consultations with the elected members, the IWG chair and the P5 coordinator work on reaching agreement on the chairs of the vacant subsidiary bodies. A presidential note listing chairs and vice-chairs of the subsidiary bodies is published every January with the symbol “S/(year)/2”.

Notwithstanding the designation of particular countries as chairs, the chairs are elected in their personal capacity. Traditionally, they are at the level of permanent representative; in practice, since 2009, another member of the delegation may be called on if the permanent representative is unavailable for a given meeting. Germany broke new ground in 2019 by formally designating its deputy permanent representative as the chair of the 1970 Libya Sanctions Committee. If there is a change in the individual chairing the committee, a new presidential note is circulated with the name of the new chair. The function of committee vice-chair is largely dormant.

Two aspects of practice continue to be discussed: that of burden-sharing among all Council members, and the lack of established connection between penholders on country situations and chairs of sanctions committees for the same country.

## 3.2 Sanctions Committees of the Security Council

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### Sanctions Committees

The legal basis for UN sanctions derives from Chapter VII of the UN Charter, specifically Article 41, which covers enforcement measures not involving the use of armed force. Article 41 provides examples of the type of measures that may be implemented, but it does not spell out the situations under which sanctions may be applied.

The Council sets up a sanctions regime by adopting a Chapter VII resolution which usually determines the type of sanctions and the category of persons or entities targeted, and in most cases, but not always, creates a Security Council Sanctions Committee made up of all 15 members of the Council. Sanctions committees are often identified by the resolution that establishes the sanctions regime, for example the 1718 DPRK Sanctions Committee or the 2140 Yemen Sanctions Committee.

### *Brief History of UN Sanctions*

The first time the Council imposed voluntary (that is, non-mandatory) sanctions was on the apartheid regimes of South Africa in 1963 and Southern Rhodesia in 1965. These became mandatory sanctions regimes on Southern Rhodesia through resolution 253 in 1968 and South Africa through resolution 418 in 1977. The two resolutions also established sanctions committees. The 1990s saw a proliferation of sanctions regimes, starting with comprehensive sanctions on Iraq after its 1990 invasion of Kuwait (1990-2003), followed by sanctions on the former Yugoslavia (1991-1996) and Haiti (1993-1994). During this period, targeted rather than comprehensive sanctions within the context of an interstate conflict were common.

Sanctions can be used to coerce, constrain or signal to their targets. They are used by the Council to achieve conflict resolution, non-proliferation, counter-terrorism, democratisation and the protection of civilians (including human rights). Since 2004, all new sanctions regimes have been targeted, and typically include a mix of travel bans; asset freezes; arms embargoes; commodity bans (diamonds, timber, petroleum, charcoal); items, material, equipment, goods and technology related to nuclear and ballistic missiles and other weapons of mass destruction programmes; and luxury goods.

In early 2019, there were 14 sanctions committees, the oldest being the sanctions regime on Somalia, established in 1992, and the most recent on Mali, established in 2017.

The Security Council has established 30 sanctions committees concerning: Southern Rhodesia, South Africa, the former Yugoslavia (2), Haiti, Angola, Liberia (3), Eritrea/Ethiopia, Rwanda, Sierra Leone, Côte d'Ivoire, Somalia/Eritrea, ISIL (Da'esh) and Al-Qaida, Iraq (2), DRC, Sudan, Lebanon, DPRK, Iran, Libya (2), the Taliban, Guinea-Bissau, CAR, Yemen, South Sudan and Mali.

The majority of sanctions committees are supported by monitoring groups or panels of experts. Eleven of the committees are supported by ten monitoring groups, teams and panels. Seven are home-based, two are based in New York, and one is based in Nairobi. The 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee and the 1988 (Taliban) Sanctions Committee are both supported by the Analytical Support and Sanctions Monitoring Team.

### *Sanctions Committees and Panels of Experts*

Sanctions committees oversee sanctions compliance and implementation, mainly through the review of reports on sanctions implementation prepared by member states and panels of experts. They designate individuals and entities that meet the designation criteria. Sanctions committees also review and act on requests for exemptions from sanctions lists, prepare sanctions reviews for the Council and produce annual reports.

Each sanctions committee operates according to guidelines which are developed at the time the committee is set up. These guidelines are periodically amended to reflect changes in the regime. Sanctions committees take decisions by consensus either in formal meetings or through a written no-objection procedure. On rare occasion, when a committee is unable to reach consensus, a decision may be taken to the Council for a vote.

Panels of experts perform a number of tasks for the committee including providing overall context regarding the situation in which sanctions are applied, reporting on the effectiveness of the sanctions measures, the nature of the violations and the identity of those that have not complied; helping states to comply with sanctions measures; and making recommendations for improving the effectiveness of the sanctions regime. The selection of the panel members is done by the sanctions committee. The Under-Secretary-General for Political and Peacebuilding Affairs submits a proposal to the chair of the committee, drawing names from a roster of experts maintained by the Secretariat. Consensus of the committee is needed for a proposed expert to be appointed, after which the Secretary-General appoints the candidate.

## *Listing, Delisting and Designation Criteria*

### **How are individuals and entities designated for listing and delisting?**

Sanctions listing occurs via a resolution authorising or modifying the sanctions regime, or, more commonly, through a sanctions committee creating the list using the appropriate designation criteria.

Petitions for delisting can be addressed to the sanctions committee by member states, to the committee via the state of nationality or residency of the petitioner, or to the Focal Point for Delisting by the individual or entity.

### **What are designation criteria?**

Designation criteria for the listing of individuals and entities for targeted measures are established through Security Council resolutions.

The principal designation criteria of the 14 active sanctions committees in 2019 include:

- threats to peace and security or stability (Afghanistan, CAR, DRC, Guinea-Bissau, Libya, Mali, Somalia, South Sudan, Sudan, Yemen);
- violations of arms embargoes (Afghanistan, CAR, Libya, Somalia, South Sudan, Sudan);
- violations of human rights and international humanitarian law (CAR, DRC, Libya, Mali, South Sudan, Sudan, Yemen);
- obstructing humanitarian aid (CAR, DRC, Mali, Somalia, South Sudan, Yemen);
- recruiting or using children in armed conflict (CAR, DRC, Mali, Somalia, South Sudan);
- committing rape and sexual and gender-based violence (CAR, Libya, Somalia; South Sudan);
- misappropriating public assets (Iraq, Libya, Somalia);
- obstructing or attacking peacekeepers and UN personnel (CAR, DRC, Libya, Mali, South Sudan);
- impeding the peace process or political transition (Guinea-Bissau, Libya, Mali, South Sudan, Sudan, Yemen);
- inciting public hatred and violence (CAR);
- violating applicable international law involving the targeting of civilians (Libya, Mali, Somalia, South Sudan, Yemen);
- engaging in or supporting those engaged in the illicit trade of natural resources (CAR, DRC, Libya, Somalia, South Sudan);
- impeding disarmament, demobilisation and reintegration (DRC);
- being associated with or supporting a terrorist group (1267/1989/2253 ISIL [Da'esh] and Al-Qaida, Afghanistan, Somalia);
- engaging in terrorist bombings or political assassinations (Lebanon);

- engaging in or providing support, including through other illicit means, for nuclear, weapons of mass destruction and/or ballistic missile programmes (DPRK); and
- providing financial, materiel or technological support, for, or goods or services to or in support of a designated entity (Afghanistan, DRC, Libya).

*(For more detailed information on the designation criteria of the 14 current sanctions committees please see Annex 1.)*

### **Types of Targeted Sanctions**

The main types of targeted UN sanctions can be grouped into the following categories:

- Embargoes and bans: conventional arms and dual-use items; weapons of mass destruction, proliferation-relevant dual-use items and catch-all provisions; commodities; luxury goods; human trafficking and coercive employment.
- Infrastructure restrictions: assets freeze; denial of financial services; travel bans; restrictions on maritime, aviation and land transportation.
- Restrictions on diplomatic and cultural activities: restricting diplomatic privileges; restricting sports activities; restricting educational services; restricting trade in cultural goods.

### **Ombudsperson and Focal Point for De-listing**

In the 2005 World Summit declaration, the General Assembly called on the Security Council, with the support of the Secretary-General, to ensure that fair and clear procedures are in place for the imposition and lifting of sanctions measures. In December 2006, through resolution 1730, the Council established the focal point for de-listing. The focal point, a UN official, processes all delisting requests by sanctions-affected individuals and entities across all the sanctions regimes—except those of the ISIL (Da’esh) and Al-Qaida regimes, and presents the requests—along with the supporting evidence from the petitioner, to the reviewing governments and forwards the latter’s recommendation to the relevant committee. The focal point is also tasked with receiving and forwarding travel ban and assets freeze exemption requests from listed individuals, groups, undertakings, and entities to the ISIL (Da’esh) and Al-Qaida Sanctions Committee and the 1988 Sanctions Committee. It also receives and conveys information from individuals who believe they have been mistakenly listed in the ISIL (Da’esh) and Al-Qaida Sanctions Committee.

The ISIL (Da’esh) and Al-Qaida sanctions regimes have a different

de-listing arrangement. In 2009, through resolution 1904, the Council created the post of the Ombudsperson charged with independent and impartial review of requests from individuals, groups or entities seeking to be removed from the list at the time referred to as the 1267 Al-Qaida-Taliban sanctions regime. In 2011 that sanctions regime was split into two: one applying to Afghan targets under resolution 1988 and the other applying to targets worldwide associated with ISIL (Da'esh) and Al-Qaida. The Office of the Ombudsperson now handles cases only on the latter list.

After interacting within an established time frame with the petitioner, relevant states and organisations, the Ombudsperson presents a report to the Committee with the main arguments concerning a delisting request. Resolution 2368 of 20 July 2017 extended the Ombudsperson's mandate until 21 December 2021. The Ombudsperson is appointed by the Secretary-General.

### **3.3 Committees, Working Groups and Ad Hoc Bodies**

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#### **Charter-Mandated Subsidiary Body**

##### *Military Staff Committee*

In 1945, when the UN Charter was adopted, it was expected that member states would provide the Security Council with armed forces, assistance and facilities that could be used to maintain international peace and security (Article 43). With this in mind, the Charter established a subsidiary body of the Council, the Military Staff Committee (MSC), composed of military advisers of its permanent members. This is the only subsidiary body of the Council created by the Charter and the only one composed exclusively of the Council's permanent members. Its mandate is to advise and assist the Council on all questions relating to military requirements and the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament (Article 47). However, the Cold War and a reluctance to have an autonomous, permanent UN military force prevented the MSC from fulfilling its mandate. Instead, UN peacekeeping developed as an alternative way for member states to provide troops to implement Council mandates. For many years, the MSC was dormant but following the end of the Cold War there were attempts to revive it. Today, the MSC holds

semi-monthly substantive meetings on operations whose mandates are to be discussed by the Council and on thematic issues involving military aspects of peacekeeping. It has also begun to undertake visiting missions to situations on the Council's agenda. While the formal MSC meetings are restricted to P5 military representatives, informal meetings include the military advisors of the ten elected members.

### **Working Groups**

Working Groups tend to have a thematic mandate and are not always established through a published decision of the Council. Like sanctions committees, working groups make decisions by consensus.

#### *Working Group on Children and Armed Conflict*

The Security Council Working Group on Children and Armed Conflict was established by resolution 1612 in 2005. The Working Group adopted its terms of reference<sup>1</sup> and options for action in response to violations against children, commonly known as its “toolkit”.<sup>2</sup> Resolution 1612 also set up a monitoring and reporting mechanism to collect and verify information on grave violations against children in armed conflict. This information feeds into reports of situations listed in the annexes of the Secretary-General's annual report on children and armed conflict. The annexes list parties who: recruit or use children, engage in patterns of killing and maiming of children, use rape and other sexual violence against children, engage in attacks on schools and/or hospitals (and on protected persons in relation to schools and/or hospitals), and abduct children in situations of armed conflict.

The mandate of the Working Group on Children and Armed Conflict includes:

- reviewing the country-specific children and armed conflict reports prepared by the office of the Special Representative of the Secretary-General on Children and Armed Conflict and adopting conclusions;
- reviewing progress in the development and implementation of action plans, (signed commitments by parties to address violations against children);
- making recommendations to the Council on possible measures to promote the protection of children affected by armed conflict; and
- addressing requests for action, as appropriate, to other bodies within the UN system.

The Secretary-General's reports are introduced to the Working Group in a formal meeting by the Special Representative of the Secretary-General on Children and Armed Conflict. The Working Group then negotiates



conclusions on the report, which are adopted by consensus and issued as an official document of the Security Council under S/AC.51/(year)/(number). The conclusions contain recommendations to parties to the conflict, member states, UN agencies and others in the UN system, including the Secretary-General, donors and other relevant actors, transmitted either through a letter from the chair of the Working Group or as a public statement, which is then issued as a press release of the Council. The Working Group also receives updates on developments in the field of situations in the Annexes through a “Global Horizontal Note” prepared by UNICEF.

Since 2010, the Working Group has regularly conducted visiting missions ahead of considering a country-specific report on children and armed conflict or to follow up its recommendations. The Working Group also publishes an annual report on its activities.

### *Ad Hoc Working Group on Conflict Prevention and Resolution in Africa*

A presidential statement adopted following a Council open debate in January 2002 on the situation in Africa recognised “the need for adequate measures to prevent and resolve conflicts in Africa” and said that it would consider setting up a working group to monitor recommendations coming out of the meeting and to enhance coordination with ECOSOC.<sup>4</sup> The Ad Hoc Working Group on Conflict Prevention in Africa was established in March 2002. Although it was set up with an open-ended mandate, between 2003 and 2010, the mandate of the Working Group was extended annually through presidential notes.<sup>5</sup>

In its early years, the Working Group focused on strengthening the Council’s cooperation with ECOSOC, the AU and subregional organisations in Africa. Under the chairmanship of Angola in 2003 and 2004, the Working Group directed the Security Council’s attention to the situation in Guinea-Bissau, discussed developments in the DRC and Burundi and held a meeting focusing on the Great Lakes region. Since the mid-2000s it has largely focused on thematic issues related to conflict prevention in Africa as well as cooperation between the UN Security Council and the AU Peace and Security Council (PSC). Since 2011 it has played an active role in developing the agenda of the annual meeting between

### **The mandate of the Working Group as outlined in a presidential note<sup>3</sup> includes:**

- monitoring the execution of recommendations from S/PRST/2002/2 and other presidential statements and resolutions concerning conflict prevention and resolution in Africa;
- offering recommendations on how to strengthen cooperation between the Security Council and ECOSOC and other UN bodies engaged in Africa;
- examining issues of a cross-conflict or regional nature relating to the Security Council’s work on conflict prevention and resolution in Africa; and
- offering recommendations on how to strengthen cooperation between the Security Council and regional and subregional organisations in Africa that deal with conflict prevention and resolution.

the UN Security Council and the AU PSC, negotiating and following up on the communiqués of the meetings between the two bodies. However, it continued also to focus on situations of concern in Africa, holding meetings on the DRC, Guinea-Bissau and the Central African Republic in 2018.

### *Working Group on Documentation and Other Procedural Matters*

The Security Council Informal Working Group on Documentation and Other Procedural Questions (IWG) was established in June 1993 to improve the process by which the Security Council addresses issues concerning its documentation and other working matters.

After a few years of intense activity, the IWG was largely dormant until Council members began to revitalise it in the wake of the 2005 World Summit, which urged the Security Council to “continue to adapt its working methods so as to increase the involvement of States not members of the Council in its work, as appropriate, enhance its accountability to the membership and increase the transparency of its work”.<sup>6</sup> A key decision was to move towards continuity in the chairmanship of the Informal Working Group, which had previously rotated monthly in line with the Council presidency, to yearlong chairs. In 2006, the IWG produced a compendium of all working methods, published as Note by the President S/2006/507. Until then, working methods had been scattered across UN documents or never committed to writing.

### *Working Group on Peacekeeping Operations*

The Working Group on Peacekeeping Operations was established through a presidential statement on 31 January 2001, which acknowledged the need for a “three-way relationship between the Council, the troop-contributing countries and the Secretariat”.<sup>7</sup> It reiterated the Council’s agreement to hold consultations with TCCs (troop-contributing countries) in a timely manner at different stages of a peacekeeping operation. The Working Group was not meant to replace the ongoing private meetings with TCCs but, according to its mandate, would address generic peacekeeping issues and technical aspects of individual peacekeeping operations, “without prejudice to the competence of the Special Committee on Peacekeeping Operations” (C-34).

#### **Issues addressed by IWG since 2006 have included:**

- cooperation with the Secretariat;
- removal of items from the seizure list;
- refining the description of formats of Council meetings;
- interaction with non-Council members;
- timing of Secretary-General’s reports;
- the even distribution of the Council’s workload over the year;
- revising reporting cycle;
- better use of the Council’s resources;
- the annual report of the Council to the General Assembly;
- interaction between the Council and other bodies such as the Peacebuilding Commission;
- the relationship of the Council with TCC/PCCs;
- the appointment of subsidiary bodies’ chairs; and
- penholders.

On 14 January 2002, through a note by the president, the Council established a mechanism to improve cooperation between the Council and troop-contributing countries.<sup>8</sup> This mechanism would consist of joint meetings of the Council’s Working Group on Peacekeeping Operations and TCCs in order to enable members of the Working Group, the Secretariat and TCCs to engage in more interactive dialogue on peacekeeping issues.

The Working Group holds regular informal meetings, often with the participation of troop and police-contributing countries (TCC/PCCs). It is regularly briefed by UN officials from the Departments of Peace Operations, Field Support and Safety and Security. The Working Group has also been briefed by representatives of the Peacebuilding Commission and representatives of regional organisations. In 2018 it held a joint meeting with the Ad Hoc Working Group on Conflict Prevention and Resolution on institutional reform in the AU.

#### *Working Group established pursuant to resolution 1566*

This Working Group was established through the adoption of resolution 1566 in 2004. It has a mandate to examine “practical measures to be imposed upon individuals, groups or entities involved or associated with terrorist activities other than those designated by the Al-Qaida/Taliban Sanctions Committee”, as well as “the possibility of establishing an international fund to compensate victims of terrorist acts and their families”.

The Working Group’s last report on its activities, in 2006, said that for various reasons, including lack of consensus, agreement “was not reached on the expansion of list of the individuals, groups and entities involved in or associated with terrorist activities beyond the one already established under the Al-Qaida/Taliban Sanctions Committee.” It also concluded that “the resolution of questions about establishment of a compensation fund for victims of terrorist acts at the international level was premature.” Since then the Working Group has been largely dormant.

#### **Among thematic issues considered by the Working Group on Peacekeeping Operations are:**

- inter-mission cooperation, transition and exit strategies, interaction between the C34 and the Council;
- gaps between mandates and implementation and in civilian and military capacity;
- the relationship between the Council, the Secretariat and TCCs;
- safety and security of UN peacekeepers;
- UN police in peacekeeping operations;
- use of modern technology in peacekeeping;
- protection of civilians and challenging environments;
- partnership with regional organisations;
- strategic Force Generation; and
- women’s participation in peacekeeping.

In addition, the Working Group has discussed issues related to specific peacekeeping missions over the years, including those in Sierra Leone, Burundi, the DRC, South Sudan, CAR, Mali and the AU-UN mission in Somalia.

## Committees

### *Counter-Terrorism Committee*

The Counter-Terrorism Committee (CTC) was established soon after the terrorist attacks in the US in September 2001. Its role is to enhance the ability of member states to address terrorism both within their borders and regionally. The CTC also monitors the implementation by member states of measures to prevent terrorist acts set out in resolutions 1373 (2001) and 1624 (2005). Following the adoption of resolution 2178 in 2014, which identified the increasing threat posed by foreign terrorist fighters as an issue that merited attention from the CTC, it was given the task of identifying gaps in member states' capacities to implement resolutions 1373 and 1624 which could hinder their abilities to stem the flow of foreign terrorist fighters. It was also tasked to identify good practices in this regard and facilitate technical assistance.

The CTC is assisted by the Counter-Terrorism Executive Directorate (CTED), which was established by resolution 1535 in 2004 as a special political mission. It carries out the Committee's policy decisions, conducts expert assessments of member states, and facilitates counter-terrorism technical assistance to countries. Its mandate includes cross-cutting issues such as foreign terrorist fighters and countering violent extremism.

### **Resolutions 1373 and 1624**

Resolution 1373, adopted on 28 September 2001, requires member states to take steps to:

- criminalise the financing of terrorism;
- freeze funds related to persons involved in acts of terrorism;
- deny all forms of financial support for terrorist groups;
- suppress the provision of safe haven, sustenance or support for terrorists;
- share information with other governments on any groups practicing or planning terrorist acts;
- cooperate with governments in the investigation, detention, arrest, extradition and prosecution of those involved in such acts; and
- criminalise active and passive assistance for terrorism in domestic law and bring violators to justice.

Resolution 1624, adopted on 14 September 2005, condemns all acts of terrorism and the incitement to commit acts of terrorism and calls on states to prohibit it by law, prevent such conduct, and deny safe haven to anyone guilty of incitement.

### *Non-Proliferation Committee (1540)*

Resolution 1540 was adopted on 28 April 2004 under Chapter VII. It established the proliferation and possession of weapons of mass destruction (WMD) by non-state actors as a threat to international peace and security and obligated states to refrain from supporting non-state actors by any means in developing, acquiring, manufacturing, possessing, transporting, transferring or using nuclear, chemical or biological weapons and their delivery systems.

Resolution 1540 also stressed the importance of maintaining and promoting existing non-proliferation multilateral agreements and acknowledges that the resolution does not interfere with state obligations under such treaties.

The 1540 Committee was established through resolution 1540 to oversee the implementation of the resolution. It is made up of all 15 members of the Council and is supported by a panel of experts. Among its key tasks is to provide member states with a better understanding of resolution 1540, assess its implementation, and match requests and offers of assistance. The 1540 Committee has four Working Groups, which cover:

- Monitoring and national implementation
- Assistance
- Cooperation with international organisations, including the ISIL (Da'esh) and Al-Qaida Sanctions Committee and Counter-Terrorism Committee
- Transparency and media outreach

The committee's mandate was extended until 2021 in 2011.<sup>9</sup>

### **Resolution 2231 (2015) on Iran Nuclear Issues**

On 14 July 2015, the P5, Iran, Germany and the High Representative of the EU for Foreign Affairs and Security Policy agreed on the Joint Comprehensive Plan of Action (JCPOA), which committed Iran to a series of actions to reduce its nuclear capabilities in return for lifting sanctions. On 20 July 2015, the Council adopted resolution 2231 endorsing the JCPOA. The resolution included a trigger for the deal to come into effect within 90 days of its adoption and a process for lifting sanctions, while establishing a strong system for monitoring Iran's nuclear programme. Following an IAEA report that Iran had

### **Resolution 1540 imposes the following binding obligations on all states:**

- All states are prohibited from providing any form of support to non-state actors seeking to acquire weapons of mass destruction, related materials, or their means of delivery.
- All states must adopt and enforce laws criminalising the possession and acquisition of such items by non-state actors, as well as efforts to assist or finance their acquisition.
- All states must adopt and enforce domestic controls over nuclear, chemical, and biological weapons, their means of delivery, and related materials, in order to prevent their proliferation.

complied with nuclear-related measures as agreed in the JCPOA, the Iran sanctions regime, including the 1737 Sanctions Committee, was terminated. However, new measures, specified in Annex B of resolution 2231, went into effect covering transfers and activities with respect to nuclear materials and technology, nuclear weapons delivery systems, and conventional weapons and related services.

With the restrictions established by Annex B of resolution 2231 needing to be monitored, a new type of Council mechanism was created by a presidential note on 16 January 2016.<sup>10</sup> It states that “to facilitate its work under resolution 2231 (2015), the Security Council shall select on an annual basis one member to serve as its facilitator for the functions specified in the present note”. Among the responsibilities of the 2231 Facilitator are convening informal meetings and briefing the Council biannually. Meetings are at the expert level, with all 15 members of the Council participating. Among Council members’ tasks are to: monitor the implementation of resolution 2231; improve member states’ implementation of the resolution; respond to alleged violations; undertake outreach activities; review and decide on proposals by member states for nuclear, ballistic missile, or arms-related transfers to or activities with Iran; and grant exemptions to the restrictions. The US withdrawal from the JCPOA has not affected the functioning of the 2231 format, and the US has continued to participate in meetings.

### **Ad Hoc International Courts and Tribunals**

#### *Informal Working Group on International Tribunals and the International Residual Mechanism*

The Informal Working Group on International Tribunals was established in 2000 to consider matters relating to UN and UN-assisted tribunals, in particular the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). The ICTY was established in 1993, following violations of humanitarian law during the war in the former Yugoslavia. It was the first war crimes court created by the UN. The ICTR was created the following year to prosecute those responsible for genocide and other serious violations of international humanitarian law committed in Rwanda between 1 January and 31 December 1994. The International Residual Mechanism for Criminal Tribunals (IRMCT, or the Mechanism), set up on 22 December 2010 by resolution 1966, is to “continue the jurisdiction, rights and obligations and essential functions of the ICTY and the ICTR” and “should be a small, temporary and efficient structure, whose functions and size will diminish over time, with a small number of staff commensurate with its reduced functions”.

The IRMCT, with branches in The Hague and Arusha, Tanzania, focuses on the completion of trials and appeals from the ICTY (which closed in December 2017) and the ICTR (which closed in December 2015); locating and arresting the eight remaining fugitives indicted by the ICTR; and assisting national jurisdictions in handling requests related to prosecuting international crimes committed in the former Yugoslavia and Rwanda. The IRMCT was mandated to operate for an initial period of four years and for subsequent periods of two years thereafter unless the Security Council decides otherwise.

Under resolution 1966, the Security Council reviews the progress of the work of the IRMCT every two years. The Informal Working Group examines the report of the IRMCT, as well as evaluations of the IRMCT by the Office of Internal Oversight. The Informal Working Group's findings and recommendations to the Council feed into the Council's review of the work of the IRMCT.

The IRMCT president and prosecutor typically brief the Security Council twice a year. Prior to these briefings, they take part in an exchange of views with the Informal Working Group on International Tribunals.

## 3.4 Security Council Mandated Bodies

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### Peace Operations

The drafters of the Charter envisaged the possibility of standby forces from member states that would contribute to the maintenance of international peace and security. This idea failed to become reality in the face of the Cold War. The UN has instead created a spectrum of peace operations ranging from regional offices focused on conducting good offices to multidimensional peacekeeping operations with military, police and civilian components. They include Special Political Missions (SPMs) which are UN civilian missions established in support of good offices, conflict prevention, peacemaking and peacebuilding. SPMs, which are funded as part of the regular budget, include not only field-based missions but also special envoys, sanctions panels and monitoring groups.

From 1948 to 2019, 71 UN peacekeeping operations have been deployed, with 14 peacekeeping missions active in 2019, of which half are in Africa. Almost all peacekeeping mandates have been authorised by the Security Council. Exceptions include the UN Emergency Force

during the Suez crisis in 1956 and the UN Security Forces in West New Guinea in 1962, which were authorised by the General Assembly. In mid-2019, there were close to 103,000 uniformed personnel deployed in the 14 peacekeeping operations, drawing on 122 TCC/PCCs.

Secretary-General António Guterres launched the “Action for Peacekeeping” (A4P) reform initiative at a Council open debate on 28 March 2018.<sup>11</sup> Following the launch, the UN Secretariat, in partnership with ten member states, held consultations on five priority areas: politics, partnerships, performance, people and peacebuilding. The Secretariat then drew up a Declaration of Shared Commitments

### **Attempts to reform and improve peacekeeping**

Secretary-General Boutros Boutros-Ghali’s 1992 report “An Agenda for Peace” prompted the Council to focus on various peacekeeping issues over the next year. In 2000, in the wake of the UN’s failures to protect civilians in Rwanda and Srebrenica, Secretary-General Kofi Annan tasked former Algerian Foreign Minister Lakhdar Brahimi to undertake a thorough review of UN peace operations; what came to be known as the Brahimi Report made wide-ranging proposals for improving UN systems and processes for the management of peacekeeping operations. These included a robust posture to protect civilians and an emphasis on peace-building and rule of law objectives, which influenced the design of peacekeeping mandates in the early 21st century. With many of the report’s recommendations not implemented fully, if at all, Secretary-General Kofi Annan, in his “In Larger Freedom” report for the 2005 World Summit, urged member states “to do more to ensure that the UN has effective capacities for peacekeeping commensurate with the demands that they place on it”. Among other things, he suggested creating strategic reserves that could be deployed rapidly and establishing an interlocking system of peacekeeping capacities.

Fifteen years after the Brahimi Report, Secretary-General Ban Ki-moon appointed the High-Level Independent Panel on Peace Operations (HIPPO) under the chairmanship of José Ramos-Horta, former president of Timor-Leste, to undertake a comprehensive assessment of the state of UN peace operations. The HIPPO submitted its report to the Secretary-General on 16 June 2015. It called for four essential shifts to allow the UN to position its peace operations to better respond to current and future challenges: ensuring the primacy of politics, making flexible use of the full spectrum of peace operations, stronger partnerships and a field-focused UN Secretariat, and people-centered peace operations.

In 2017, in response to peacekeeper deaths from hostile acts, the Secretariat assigned a team led by Lieutenant General (ret.) Carlos dos Santos Cruz of Brazil to prepare a report on improving the security of UN peacekeepers. The report concluded that a change of mindset is needed to adapt to the new contexts in which the UN flag no longer offers “natural” protection and to break from a “Chapter VI Syndrome” that leads peacekeepers to deploy without a full appreciation of security risks and the appropriate operational approach.



that had by the end of 2018 been endorsed by 151 countries and four intergovernmental organisations.

Oversight of peace operations represent a significant proportion of the Council's work. There are regular briefings related to the peacekeeping missions, thematic debates, TCC/PCC meetings, annual briefings by heads of military and police components, and meetings of the Working Group on Peacekeeping and the Military Staff Committee. The Council discusses thematic issues related to peacekeeping including partnerships with regional organisations, performance, safety and security, and transitions, to name a few.

The Council defines the mandates of peace operations. In mid-2019 of the 14, 11 peacekeeping operations are regularly renewed by the Council, as are six special political missions (SPMs). Two peacekeeping operations have open-ended mandates and do not report regularly to the Council: the UN Truce Supervision Organization (UNTSO, 1948) and the UN Military Observer Group in India and Pakistan (UNMOGIP, 1949). The UN Mission in Kosovo (UNMIK, 1999) has an open-ended mandate but reports regularly to the Council. In 2019, most mandates are renewed annually but there are a few exceptions: the UN Peacekeeping Force in Cyprus (UNFICYP), the UN Mission for the Referendum in Western Sahara (MINURSO), and the UN Interim Security Force for Abyei (UNISFA) are generally renewed every six months.

In mid-2019, the field-based SPMs mandated by the Council were the UN Assistance Mission in Afghanistan (UNAMA), the UN Verification Mission in Colombia, UN Assistance Mission for Iraq (UNAMI), UN Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS), UN Support Mission in Libya (UNSMIL), and UN Assistance Mission in Somalia (UNSOM). Regional offices—currently in West Africa, Central Africa and Central Asia—are SPMs which have been established through an exchange of letters between the Secretary-General and the president of the Security Council, and they play a crucial conflict prevention role in those regions.

Like peacekeeping missions, the mandates of field-based SPMs have become more complex over time and are often now multidimensional operations combining political tasks with a mandate to address other areas such as human rights, rule of law, sexual violence in conflict, and children and armed conflict.

The Brahimi Report argued for “clear, credible and achievable mandates” while the HIPPO Report observed that mandates had become lengthier and more specific, and at times less realistic, manageable or achievable. The 2018 Declaration of Shared Commitments includes

### **The Mandating Cycle**

Although the timetable of mission mandate expiry is known well in advance and should allow for earlier, well-planned discussions, the bulk of each mandating process in the Council takes place over a few weeks:

- About 21 days before the end of the mission's mandate, the Secretary-General's report is circulated.
- Around 15 days before mandate expiry, the report is presented to the Council by the Special Representative or a Secretariat representative, usually in a briefing and consultations.
- Around 12 days before mandate renewal, a formal TCC/PCC meeting is held. The negotiation of the mandate at expert level takes place over ten days, on average. Usually one or two rounds of negotiations are held, and outstanding issues are addressed by email or bilaterally.

the commitment to “pursue clear, focused, sequenced, prioritized and achievable mandates by the Security Council matched by appropriate resources; to seek measures to enable greater coherence between mandates and resources; and to support the implementation of Security Council resolutions through bilateral and multilateral engagements.” The Declaration has provided the latest impetus for a discussion around the Council’s role in mandating peacekeeping operations and ways in which it could be improved. Among the areas identified are the limited quality of Secretariat analysis and options for the Council, the short timeframe to negotiate mandate renewals, a tendency from Council members to add mandated tasks irrespective of operational considerations and the disconnect between mission mandates and resources.

Although the Council mandates the deployment of peacekeeping operations, how this decision translates into field-level implementation is heavily influenced by negotiations in the Fifth Committee of the General Assembly, which is responsible for administrative and budgetary matters. Every year, the committee adopts the budget of peacekeeping operations, which is separate from the UN’s regular budget.

## **3.5 Advisory Subsidiary Body**

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### **Peacebuilding Commission**

The Peacebuilding Commission (PBC), together with the Peacebuilding Fund (PBF) and Peacebuilding Support Office (PBSO), were

established on 20 December 2005. The PBC is not an operational body and does not have an enforcement mechanism. It does not undertake peacebuilding activities itself. Rather, its aim is to produce advice for the Security Council, the Economic and Social Council (ECOSOC) and all actors involved in the peacebuilding process.

The December 2004 report by the High-level Panel on Threats, Challenges and Change (“A More Secure World: Our Shared Responsibility”) had called for serious attention to the longer-term process of peacebuilding and recommended a Peacebuilding Commission to fill the UN institutional gap in this area.<sup>12</sup> The following year, Annan in his report, “In Larger Freedom: Towards Security, Development and Human Rights for All”, recommended the same.<sup>13</sup> The heads of states and governments at the 2005 World Summit decided to establish the PBC, referring to “the need for a coordinated, coherent and integrated approach to post-conflict peacebuilding and reconciliation with a view to achieving sustainable peace” and to helping countries lay the foundation for sustainable development. The PBC was established on 20 December 2005 through Security Council resolution 1645 and General Assembly resolution A/RES/60/180. The same day, the Council adopted resolution 1646, which specified that the P5 plus two Council elected members would be members of the PBC.

The Security Council and General Assembly reviewed the peacebuilding architecture in 2010 and 2015; a further review is due in 2020. The 2010 review, led by the ambassadors of Ireland, Mexico and South Africa, proposed among other things the need to improve PBC-Council interaction, the PBC’s links to the field and the flexibility of its working methods.<sup>14</sup> Many of the proposals were either not implemented or failed to invigorate the peacebuilding architecture. The first

### **The Mandate of the Peacebuilding Commission**

The PBC’s founding resolutions mandated the PBC to:

- bring together all relevant actors to marshal resources and to advise on and propose integrated strategies for post-conflict peacebuilding and recovery;
- focus attention on the reconstruction and institution-building efforts necessary for recovery from conflict and to support the development of integrated strategies in order to lay the foundation for sustainable development; and
- provide recommendations and information to improve the coordination of all relevant actors within and outside the UN, to develop best practices, to help to ensure predictable financing for early recovery activities, and to extend the period of attention given by the international community to post-conflict recovery.

phase of the ten-year review was carried out by a seven-person independent panel, the Advisory Group of Experts, who submitted a report in June 2015 titled, “The Challenge of Sustaining Peace”.<sup>15</sup> A key conclusion was the need for a broader understanding of peacebuilding as occurring before, during and after conflict. It proposed replacing the term “peacebuilding” with “sustaining peace”. In April 2016, the Security Council and General Assembly adopted substantively identical resolutions on the ten-year review, which included a definition of sustaining peace “as a goal and a process to build a common vision of society ...which encompasses activities aimed at preventing the outbreak, escalation, continuation and recurrence of conflict”.<sup>16</sup>

### **The Composition and Functioning of the PBC**

The PBC comprises 31 member states, which sit on its Organizational Committee. It is made up of:

- seven members from the Security Council (P5 plus two non-permanent members);
- seven from ECOSOC;
- five top providers of assessed contributions to UN budgets and of voluntary contributions to UN agencies, funds and programmes, excluding committee members already selected from the Security Council and ECOSOC;
- five top providers of military personnel and police to UN missions, excluding committee members already selected from the Security Council and ECOSOC or selected based on assessed and voluntary contributions to the UN; and
- seven members determined by the General Assembly with consideration given to equitable regional distribution and post-conflict experience.

The Chair of the PBC is elected for a one-year term. The founding resolutions set out that the PBC agenda would be based on requests for advice from the Council, the General Assembly, ECOSOC, the Secretariat, or a member state at risk of lapsing or relapsing into conflict. Three PBC agenda countries are also on the Council’s agenda: Burundi, the CAR and Guinea-Bissau. The other two agenda situations, in 2019, are Sierra Leone and Liberia, which were both on the Council’s active agenda until relatively recently. An example of a situation that was placed on the PBC agenda at the government’s request was Guinea, which was on the PBC agenda from 2011 to 2017. PBC country-specific configurations are established to consider each of these agenda items, with members that include relevant states

(the country itself, neighbouring states and donors), regional and subregional organisations, and international financial institutions. They are chaired by an ambassadorial-level diplomat.

In recent years, the PBC has considered situations without placing them on the agenda, such as with The Gambia. This expands the range of country situations that the PBC considers and creates a more flexible approach than the country configuration structure.

In accordance with resolutions A/RES/60/180 and S/RES/1645, the PBC developed its own provisional rules of procedure and working methods. It reports to the General Assembly and Security Council annually and acts on the basis of consensus.

The PBC and the Security Council have traditionally interacted in the following ways:

- briefings by country configuration chairs during public Council meetings;
- annual informal interactive dialogues with the PBC, which usually take place in June around the time of the PBC's presentation of its annual report to the Council;
- stocktaking sessions between PBC representatives and Council members on the PBC to consider PBC-Council relations; and
- informal interactions, that is, between the penholder and PBC representative on situations on both bodies' agendas.

### **Relationship between the Council and the PBC**

The PBC has not had an easy relationship with the Council. Tensions have existed since the PBC's creation in 2005, which occurred as Security Council reform stalled. The P5 have tended to see the PBC as a forum created by member states to discuss peace and security issues, encroaching on the prerogatives of the Security Council. Some members, particularly the P5, have questioned its ability to advise on conflict-affected situations and have found that its meetings duplicate discussion and information provided by the Secretariat during Council sessions. The PBC's supporters, in turn, have criticised the Council for not being receptive to working with the PBC, thus limiting its ability over the years to demonstrate its value. However, since the review in 2015, member states have shown renewed interest in improving

### **The Peacebuilding Fund**

The PBF was set up to fund projects that target peacebuilding needs of countries emerging from conflict and provides support for activities that contribute to immediate post-conflict stabilisation. The PBSO – not the PBC – manages the PBF, which has two mechanisms: an Immediate Response Facility used to fill urgent peacebuilding needs and a Peacebuilding and Recovery Facility, which provides medium-term financing to countries. Decisions on projects that the PBF supports are kept independent of the PBC. Projects are approved by the Assistant Secretary-General for Peacebuilding Support on behalf of the Secretary-General, based on a review involving the UN's Peacebuilding Contact Group (comprised of UN agencies, funds, programmes and the Secretariat). Early on, PBC agenda countries made up the majority of the beneficiaries of its financing. Since 2011, this share has progressively fallen as the number of countries benefitting from PBF support has expanded. In 2018 the PBF approved an all-time high of \$183 million, covering 40 countries.

the PBC and its advisory role to the Council. A PBC working methods review has prompted efforts to better align the PBC's calendar of work with that of the Security Council, broaden the country situations the PBC discusses, and invigorate the Organizational Committee. Secretary-General António Guterres' reforms, placing a greater emphasis on prevention, reducing UN system fragmentation, and tackling structural, root causes of conflict—all elements of the sustaining peace concept—have contributed to greater interest in the PBC.

There are also signs of greater openness from the P5 towards the PBC. The Council asked the PBC in January 2017 to support the UN Office of West Africa and the Sahel in implementing the UN Integrated Strategy for the Sahel. There has been interest in the potential of the PBC in contributing to smoother transitions from mandated UN missions to non-UN mission settings, when host countries may face a significant drop-off in available financial and political support. In a presidential statement on the PBC's advisory role adopted in December 2018, the Council recognised progress achieved by the PBC and noted best practices, including the "observations" of the PBC transmitted in an October 2018 letter to the Council ahead of the mandate renewal of MINUSCA, and the PBC's role in transitions in Liberia and Sierra Leone.<sup>17</sup>

## ANNEX 1: DESIGNATION CRITERIA OF EXISTING SANCTIONS COMMITTEES

Sanctions Committee	Designation Criteria
<b>Somalia 751</b>	<ul style="list-style-type: none"><li>• Engaging in, or providing support for, acts that threaten the peace, security or stability of Somalia</li><li>• Acting in violation of the arms embargo</li><li>• Obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia</li><li>• Recruiting or using children in armed conflicts in Somalia in violation of applicable international law</li><li>• Being responsible for violations of applicable international law in Somalia involving the targeting of civilians including children and women in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals, and abduction and forced displacement</li><li>• Engaging in the direct or indirect export or import of charcoal from Somalia, whether or not such charcoal originated in Somalia</li><li>• Engaging in any non-local commerce via Al-Shabaab controlled ports, which constitutes financial support for a designated entity; or misappropriating financial resources which undermine the Transitional Federal Institutions' and their post-transition successors' ability to fulfil their obligations in delivering services within the framework of the Djibouti Agreement.</li></ul>
<b>ISIL (Da'esh) and Al-Qaida 1267/1989/2253</b>	<ul style="list-style-type: none"><li>• Acts or activities indicating that an individual, group, undertaking or entity is associated with ISIL or Al-Qaida and therefore eligible for inclusion in the ISIL (Da'esh) &amp; Al-Qaida Sanctions List include: participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of; supplying, selling or transferring arms and related materiel to; and recruiting for; or otherwise supporting acts or activities of Al-Qaida, ISIL, or any cell, affiliate, splinter group or derivative.</li></ul>
<b>Iraq 1518</b>	<ul style="list-style-type: none"><li>• Assets removed or acquired by Saddam Hussein, senior officials of the former regime, immediate family and entities owned or controlled, directly or indirectly, by them shall be frozen by member states.</li></ul>

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**Sanctions  
Committee****Designation  
Criteria**

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**DRC 1533**

Overarching criterion: Engaging in or providing support for acts that undermine the peace, stability or security of the DRC. Such acts include:

- violating the arms embargo;
- impeding the disarmament, repatriation or resettlement of combatants;
- receiving support from outside the DRC;
- using children in armed conflict;
- committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement; or obstructing the access to or the distribution of humanitarian assistance in the DRC; support for acts that undermine the peace, stability or security of the DRC;
- supporting the illegal armed groups in the eastern part of the DRC through illicit trade of natural resources, including gold;
- acting on behalf of or at the direction of a designated individual or entity owned or controlled by a designated individual;
- planning, sponsoring or participating in attacks against MONUSCO peacekeepers or UN personnel; and
- providing financial, material, or technological support for, or goods or services to, or in support of a designated individual or entity.

**Sudan 1591**

- Those who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the measures implemented by Member States in accordance with paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 of resolution 1591 (2005) as implemented by a state or are responsible for offensive military overflights described in paragraph 6 of resolution 1591 (2005).

**Lebanon 1636**

- Individuals designated by the International Independent Investigation Commission or the Government of Lebanon as suspected of involvement in the 14 February 2005 terrorist bombing in Beirut, Lebanon that killed former Lebanese Prime Minister Rafiq Hariri and 22 others.

**DPRK 1718**

- Persons or entities engaging in or providing support for, including through other illicit means, the Democratic People's Republic of Korea's nuclear-related, other weapons of mass destruction-related and ballistic missile related programmes, or by persons or entities acting on their behalf or at their direction. Family members of such persons may also be designated for the travel ban
  - Entities and individuals that have assisted the evasion of sanctions or in violating the provisions of resolutions 1718 (2006) and 1874 (2009)
  - Individuals and entities that have contributed to (i) the DPRK's prohibited programmes, (ii) activities prohibited by the resolutions or (iii) the evasion of sanctions
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**Sanctions  
Committee****Designation  
Criteria**

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**Libya 1970**

- Individuals and entities involved in or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in Libya, including by being involved in or complicit in planning, commanding, ordering or conducting attacks, in violation of international law, including aerial bombardments, on civilian populations and facilities
- Individuals acting for or on behalf of or at the direction of individuals or entities identified above; individuals or entities having violated, or assisted in the evasion of, the provisions of resolution 1970 (2011), particularly the arms embargo, or to have assisted others in doing so
- In the context of attempted illicit exports or illicit exports of crude oil from Libya, the Committee may designate vessels for some or all of the measures in paragraph 10 of resolution 2146 (2014), on a case-by-case basis, for a period of ninety days, which may be renewed by the Committee
- Planning, directing, or committing, acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Libya
- Attacks against any air, land, or sea port in Libya, or against a Libyan State institution or installation, including oil facilities, or against any foreign mission in Libya
- Providing support for armed groups or criminal networks through the illicit exploitation of crude oil or any other natural resources in Libya
- Citing for, or on behalf of, or at the direction of a listed individual or entity
- Threatening or coercing Libyan State financial institutions and the Libyan National Oil Company, or engaging in any action that may lead to or result in the misappropriation of Libyan state funds
- Planning, directing, sponsoring, or participating in attacks against United Nations personnel, including members of the Panel of Experts
- Planning, directing or committing acts involving sexual and gender-based violence

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**Afghanistan  
1988**

- Individuals and entities are designated on the 1988 Sanctions List as individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan; Acts or activities indicating that an individual, group, undertaking or entity is eligible for designation include:
- participating in the financing, planning, facilitating, preparing or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;
  - supplying, selling or transferring arms and related materiel to;
  - recruiting for; or
  - otherwise supporting acts or activities of, those designated and other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan.

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**Guinea-Bissau  
2048**

- Seeking to prevent the restoration of the constitutional order or taking action that undermines stability in Guinea-Bissau, in particular those who played a leading role in the coup d'état of 12 April 2012 and who aim, through their actions, at undermining the rule of law, curtailing the primacy of civilian power and furthering impunity and instability in the country
  - Acting for or on behalf of or at the direction of or otherwise supporting or financing individuals identified in paragraph 6 (a)
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**CAR 2127**

- Engaging in or providing support for acts that undermine the peace, stability or security of the CAR, including acts that threaten or impede the stabilization and reconciliation process or that fuel violence
- Acting in violation of the arms embargo established in paragraph 54 of resolution 2127 (2013) and extended by paragraph 1 of this resolution, or as having directly or indirectly supplied, sold, or transferred to armed groups or criminal networks in the CAR, or as having been the recipient of arms or any related materiel, or any technical advice, training, or assistance, including financing and financial assistance, related to violent activities of armed groups or criminal networks in the CAR
- Involved in planning, directing, or committing acts in the CAR that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, including those involving targeting of civilians, ethnic- or religious-based attacks, attacks on civilian objects, including administrative centers, courthouses, schools and hospitals, and abduction and forced displacement
- Involved in planning, directing or committing acts involving sexual and gender-based violence in the CAR
- Recruiting or using children in armed conflict in the CAR, in violation of applicable international law
- Providing support for armed groups or criminal networks through the illicit exploitation or trade of natural resources, including diamonds, gold, wildlife as well as wildlife products in or from the CAR
- Obstructing the delivery of humanitarian assistance to the CAR, or access to, or distribution of, humanitarian assistance in the CAR; Involved in planning, directing, sponsoring, or conducting attacks against UN missions or international security presences, including MINUSCA, the European Union training missions and French forces deployed under the conditions provided by paragraph 65 of resolution 2387 (2017) and which support them, as well as against humanitarian personnel
- Are leaders of, or have provided support to, or acted for or on behalf of, or at the direction of, an entity that the Committee has designated

**Yemen 2140**

- Individuals or entities engaging in or providing support for acts that threaten the peace, security or stability in Yemen
- Obstructing or undermining the successful completion of the political transition, as outlined in the Gulf Cooperation Council (GCC) Initiative and Implementation Mechanism Agreement
- Impeding the implementation of the outcomes of the final report of the comprehensive National Dialogue Conference through violence, or attacks on essential infrastructure
- Planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Yemen
- Violating the targeted arms embargo
- Obstructing the delivery of humanitarian assistance to Yemen or access to, or distribution of, humanitarian assistance in Yemen

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**Sanctions  
Committee****Designation  
Criteria**

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**South Sudan  
2206**

- Responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security or stability of South Sudan
  - Actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan or obstructing reconciliation or peace talks or processes, including breaches of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (“the Agreement”)
  - Actions or policies that threaten transitional agreements or undermine the political process in South Sudan, including Chapter 4 of the Agreement; including Chapter 4 of the Agreement
  - Planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in South Sudan
  - The targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law
  - Planning, directing, or committing acts involving sexual and gender-based violence in South Sudan
  - The use or recruitment of children by armed groups or armed forces in the context of the armed conflict in South Sudan
  - The obstruction of the activities of international peacekeeping, diplomatic, or humanitarian missions in South Sudan, including the Ceasefire and Transitional Security Arrangements Monitoring Mechanism or of the delivery or distribution of, or access to, humanitarian assistance
  - Attacks against United Nations missions, international security presences, or other peacekeeping operations, or humanitarian personnel
  - Acting for or on behalf of, directly or indirectly, an individual or entity designated by the Committee
  - Engagement by armed groups or criminal networks in activities that destabilize South Sudan through the illicit exploitation or trade of natural resources
  - Individuals who are leaders of any entity, including any South Sudanese government, opposition, militia, or other group, that has, or whose members have, engaged in any of the activities described in paragraphs 6 and 7 of resolution 2206 (2015)
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**Sanctions  
Committee****Designation  
Criteria**

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**Mali 2374**

- Individuals responsible for or complicit in, or having engaged in, directly or indirectly actions or policies that threaten the peace, security, or stability of Mali
  - Engaging in hostilities in violation of the Agreement on Peace and Reconciliation in Mali signed in 2015
  - Actions taken that obstruct, or that obstruct by prolonged delay, or that threaten the implementation of the Agreement
  - Acting for or on behalf of or at the direction of or otherwise supporting or financing individuals and entities identified in subparagraphs 8 (a) and (b) of resolution 2374 (2017), including through the proceeds from organized crime, including the production and trafficking of narcotic drugs and their precursors originating in or transiting through Mali, the trafficking in persons and the smuggling of migrants, the smuggling and trafficking of arms as well as the trafficking in cultural property
  - Involvement in planning, directing, sponsoring, or conducting attacks against: (i) the various entities referenced in the Agreement, including local, regional and state institutions, joint patrols and the Malian Security and Defense forces; (ii) MINUSMA peacekeepers and other UN and associated personnel, including members of the Panel of experts; (iii) international security presences, including the FC-G5S, European Union Missions and French forces
  - Obstructing the delivery of humanitarian assistance to Mali, or access to, or distribution of, humanitarian assistance in Mali
  - Planning, directing, or committing acts in Mali that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, including those involving the targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge
  - The use or recruitment of children by armed groups or armed forces in violation of applicable international law, in the context of the armed conflict in Mali
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### Endnotes *Part III*

1. S/2006/275 (2 May 2006)
2. S/2006/724 (8 September 2006)
3. S/2002/207 (1 March 2002)
4. SPV/4465 and S/PRST/2002/2 (31 January 2002)
5. S/2004/1031 (30 December 2004), S/2005/789 (16 December 2005), S/2007/6 (1 January 2007), S/2007/771 (31 December 2007), S/2008/795 (18 December 2008), S/2009/650 (15 December 2009), S/2010/654 (21 December 2010)
6. S/RES/60/1 (24 October 2005)
7. S/PRST/2001/3 (31 January 2001)
8. S/2002/56 (14 January 2002)
9. S/RES/1977 (20 April 2011)
10. S/2016/44 (16 January 2016)
11. S/PV.8218 (28 March 2018)
12. A/59/565 (2 December 2004)
13. A/59/2005 (21 March 2005)
14. A/64/868-S/2010/393 (21 July 2010)
15. S/2015/490 (30 June 2015)
16. S/RES/2282 (27 April 2016) and A/RES/70/262 (12 May 2016)
17. S/PRST/2018/20 (18 December 2018)

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## Part IV Relations with other Organs

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### 4.1 The General Assembly

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The UN Charter serves as the basis for the relationship between the Security Council and the General Assembly and how the two bodies interact. It delimits the powers of the General Assembly to deal with disputes and situations which may threaten international peace and security.

The General Assembly has authority to discuss any questions or matters within the scope of the Charter or relating to the powers and functions of any organs in the Charter, and may make recommendations to the UN members and the Council except with regard to a dispute or situation the Council is currently dealing with, unless the Council so requests. Any question in which action, generally understood as coercive or enforcement action, is necessary should be referred to the Council (Articles 10, 11 [2] and 12 [1]).

The General Assembly can call the attention of the Council to situations which are likely to endanger international peace and security (Article 11 [3]). It may discuss questions relating to international peace and security and make recommendations, except on matters the Council is currently considering (Article 12 [1]). The General Assembly may consider making recommendations to the Council, member states or both, with regard to general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments (Article 11 [1]).

How to interpret the restrictions imposed on the General Assembly by Article 12 in making recommendations on matters while the Council was “exercising in respect of any dispute or situation the functions

assigned to it in the present Charter” was actively discussed in the early years of the UN. Initially, it was understood that the General Assembly could not make a recommendation on a matter of international peace and security while it was on the Council’s agenda. This interpretation evolved over time, and in a 1968 opinion the UN Legal Counsel determined that in practice, the General Assembly interpreted “is exercising” to mean “is exercising at this moment”.<sup>1</sup> It has become accepted that the General Assembly may make recommendations on matters that the Council is considering. The International Court of Justice addressed the interpretation of Article 12 (1) in its 2004 advisory opinion on the “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory”. It concluded that the practice, as it had evolved, was consistent with Article 12 (1). The ICJ reaffirmed this position in its 2010 advisory opinion on “Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo”. The General Assembly has made recommendations on issues the Council was seized of including Afghanistan, Bosnia and Herzegovina, Cyprus, the Middle East, Myanmar, Syria, and

### **The International, Impartial and Independent Mechanism for Syria**

On 21 December 2016 the General Assembly adopted resolution 71/248 setting up an International, Independent and Impartial Mechanism (IIIM) for Syria by a vote of 105 to 15 with 52 abstentions. The IIIM was to collect and analyse evidence of international crimes, with the idea that the evidence could be preserved for a future tribunal. This was the first time the General Assembly established such a body. At the time, the Security Council had been paralysed for five years over addressing accountability issues in the Syrian conflict. In 2014, a draft resolution that would have referred Syria to the International Criminal Court was vetoed by China and Russia.<sup>2</sup> There was little hope that the Council could create an international tribunal to investigate and prosecute crimes in Syria.

Under the UN Charter, only the Security Council can establish criminal tribunals with binding jurisdiction over individuals and obligate states to cooperate with them. The IIIM established by the General Assembly depends on voluntary cooperation to “collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and human rights violations and abuses” for future use. Thus, the General Assembly acted within its mandate under the UN Charter.

The General Assembly’s authority to establish the IIIM derives from Article 10 of the UN Charter which gives it the power to discuss and make recommendations concerning “any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter”. In addition, Article 22 of the Charter gives the General Assembly the authority to “establish such subsidiary organs as it deems necessary for the performance of its functions”.

### When has “Uniting for Peace” been used?

“Uniting for Peace” has been invoked, explicitly or implicitly, on several occasions, enabling the General Assembly to consider questions relating to international peace and security submitted by the Security Council itself:

- the situation in the Middle East (Suez Canal) leading to the 1st Emergency Session (ES-1) in 1956, after the Security Council referred the issue in resolution 119 adopted on 31 October 1956 (France and the UK voted against);
- the situation in Hungary, leading to the 2nd Emergency Session (ES-2) in 1956, after the Security Council referred the issue in resolution 120 adopted on 4 November 1956 (USSR voted against);
- the situation in the Middle East, leading to the 3rd Emergency Session (ES-3) in 1958, after the Security Council referred the issue in resolution 129 adopted unanimously on 7 August 1958;
- the situation in the Congo, leading to the 4th Emergency Session (ES-4) in 1960, after the Security Council referred the issue in resolution 157 adopted on 17 September 1960 (USSR voted against);
- the situation in Afghanistan, leading to the 6th Emergency Session (ES-6) in 1980, after the Security Council referred the issue in resolution 462 adopted on 9 January 1980 (USSR voted against); and
- the situation in the Middle East, leading to the 9th Emergency Session (ES-9) in 1982, after the Security Council referred the issue in resolution 500 adopted on 28 January 1982 (UK and US abstained) (“*Taking into account that the lack of unanimity of its permanent members at the 2329th meeting has prevented it from exercising its primary responsibility for the maintenance of international peace and security, [d]ecides to call an emergency special session of the General Assembly to examine the question*”).

All these resolutions cited the lack of unanimity of the permanent members which had prevented the Council from exercising its primary responsibility for the maintenance of international peace and security as the reason for calling an emergency special session of the General Assembly.

“Uniting for Peace” has also been activated without a Security Council referral through a direct request to the General Assembly by a member state supported by the majority of General Assembly members:

- the situation in the Middle East, leading to the 5th Emergency Session (ES-5) in 1967, convened by the USSR;
- the question of Palestine, leading to the 7th Emergency Session (ES-7) in 1980, convened by Senegal;
- the question of Namibia, leading to the 8th Emergency Session (ES-8) in 1981, convened by Zimbabwe; and
- the question of Palestine, leading to the still ongoing 10th Emergency Session (ES-10) starting in 1997, convened by Qatar.

Western Sahara. It adopted a resolution deciding to submit the report of the Human Rights Council’s Commission of Inquiry on Human Rights in the DPRK encouraging the Council to consider the relevant



conclusions and recommendations of the Commission.<sup>3</sup> The resolution also encouraged the Council to take appropriate action to ensure accountability, including through considering a referral of the situation in the DPRK to the International Criminal Court and targeted sanctions against those who may have committed acts that could constitute crimes against humanity.

### **Uniting for Peace**

General Assembly resolution 337(V), commonly known as “Uniting for Peace”, was adopted on 3 November 1950, in the face of Soviet vetoes blocking Council action during the Korean War. This resolution resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility to act as required to maintain international peace and security, the General Assembly shall consider the matter immediately with the view to making recommendations to members for collective measures, including, in the case of a breach of the peace or act of aggression, the use of armed force if necessary in order to maintain or restore international peace and security. If not in session, the General Assembly may meet using the mechanism of the emergency special session. Such an emergency session can be requested through a vote of nine members of the Council—this would be a procedural vote, not subject to the veto—or by majority vote of the General Assembly.

“Uniting for Peace” was important in its time, but its two main innovations are now superfluous in light of organisational practice. When resolution 337(V) was adopted, the General Assembly tended to meet only from mid-September to the end of December. Now it meets continuously, removing the need to call an emergency special session, unless there is a desire to call an emergency session to make a political point. In practice, the General Assembly now regularly makes recommendations regarding collective measures short of coercive force in line with Articles 11 (3) and 12 (1), including in situations of which the Council is actively seized.

### **Security Council Elections**

The General Assembly elects five members to the Security Council each year for the two-year period enshrined in Rule 142 of the Rules of Procedure of the General Assembly. Members have occasionally served shorter terms: there have been one-year terms, mainly in the 1960s, either to break electoral deadlocks or to establish the two-year rotational cycle. In 2016, Italy and the Netherlands agreed to share a split term, with Italy taking the seat in 2017 and the Netherlands in 2018.

Article 23 (1) also states that the non-permanent Council members are to be elected by the General Assembly with “due regard being specially paid” to three things:

- their “contribution [...] to the maintenance of international peace and security”;
- their “contribution [...] to the other purposes” of the UN; and
- “equitable geographical distribution”.

Whereas “equitable geographical distribution” has been defined and refined in General Assembly resolutions, the precise meaning of “contribution” remains vague and open to interpretation. Member states have interpreted contributions to the maintenance of international peace and security to include financial resources, military troops or assets, police or civilian personnel, among other elements. Contribution to “other purposes” have been linked to financial contributions to UN programmes or other official development assistance, or political commitment to advance a particular global public good.

On 17 December 1963, with the adoption by the General Assembly of resolution 1991 (XVIII),<sup>4</sup> the number of elected members was increased from six to ten and a system of “equitable geographical

### Electoral Groups

Although the UN Charter provides that non-permanent members be elected according to equitable geographical distribution, it does not stipulate how that should be achieved. Nevertheless, the principle of equitable geographical distribution gave rise to the establishment of UN electoral groups as a vehicle for achieving a particular geographical mix. The regional groups, as they operate in 2019, are as follows:

- African Group, 54 members
- Asia-Pacific Group, 54 members
- Eastern European Group (EEG), 23 members
- Latin American and Caribbean Group (GRULAC), 33 members
- Western European and Others Group (WEOG), 28 members

The State of Palestine was granted non-member Observer State Status in the UN following the passage of GA res. 67/19(2012). It has Observer State status in the General Assembly but is a full member of the Asia-Pacific group.

The US is not a member of any group but attends meetings of WEOG as an observer and is considered a member of this group for electoral purposes. Israel, which did not belong to any group for many years, was given temporary membership in WEOG in May 2000, subject to renewal every four years. In 2004, Israel obtained permanent renewal of its membership.

distribution” was established. The seats were distributed as follows:

- five seats for the African and Asian States (subsequently subdivided in practice into three seats for the African Group and two seats for the Asia-Pacific Group);
- two seats for the Latin American and Caribbean States;
- two seats for the Western European and Others States; and
- one seat for the Eastern European States.

In practice, the non-permanent seats are staggered as follows:

- two seats for the African Group in odd years, with one seat available during even years;
- two seats for the Western European and Others Groups in even years;
- one seat for the Asia-Pacific Group in odd years;
- one seat for the Latin American and Caribbean Group every year;
- one seat for the Eastern European Group in odd years; and
- one “Arab swing seat” that alternates between the African and Asia-Pacific Groups in odd years.

UN member states formalise their intention to seek a Security Council seat by informing the rotating monthly chair of their respective UN regional group in New York. This is done in writing, specifying the two-year term being sought. The chair incorporates this information into the UN candidacy chart of the regional group, which is maintained by each group and reviewed at monthly group meetings. At this point, most candidates prepare a circular note addressed to all UN permanent missions in New York informing them of the candidacy. A note is often sent to the Secretariat or the president of the General Assembly or both, although this is not required by the Rules of Procedure of the General Assembly.

Candidates to the Security Council seek commitments from member states to vote for them, often years in advance of the election and often continuing up until election day. Campaigning for the Security Council requires significant investments of time and financial resources, especially for contested elections, although the funds countries bring to bear vary greatly.

### *How do members get elected to the Security Council?*

In 2016, Security Council elections, which were previously held in October, were moved to June under General Assembly resolution

### **What is the Arab Swing Seat?**

The “Arab swing seat” is an informal agreement from 1967 under which an Arab State has continuously occupied a Council seat since 1968. The African and Asia and Pacific Groups alternate in fielding an Arab candidate every odd year. The Arab candidate from the African Group has generally come from North Africa, except when Sudan occupied the seat in 1972–1973.

### What issues require a two-thirds majority in the General Assembly?

According to Article 18 of the UN Charter the “important” questions that require a two-thirds majority of GA members present and voting are:

- recommendations with respect to the maintenance of international peace and security;
- the election of the non-permanent members of the Security Council;
- the election of members of ECOSOC and of the Trusteeship Council;
- the admission of new members to the UN;
- the suspension of the rights and privileges of membership;
- the expulsion of members;
- questions relating to the operation of the trusteeship system; and
- budgetary questions.

Other determinations, including other questions that require a two-thirds majority, shall be made by a majority of members present and voting.

68/307, adopted on 18 September 2014, to give members more time to prepare for Council membership. As with other principal organs of the UN, elections to the Council are governed by the Rules of Procedure of the General Assembly and require formal balloting even if candidates have been endorsed by their regional group and are running on a “clean slate”.

To secure their seat, a country must obtain votes from two-thirds of the member states present and voting at the General Assembly meeting, regardless of whether the election is contested. This means that 129 votes are required at a minimum to win a seat if all 193 member states participate. Member states that abstain are considered not voting. A member state can be prohibited from voting as a result of arrears in payment of UN dues, in accordance with Article 19 of the UN Charter.

If no candidate obtains two-thirds of the votes in the first round, a second round is held with voting restricted to the candidates that received the most votes. In this “restricted ballot”, the number of candidates included is limited to twice the number of vacant seats: if one seat is available only the two candidates that received the most votes in the first round would contest the next round (Rule 93 of the General Assembly Rules of Procedure); if two or more seats are available, the remaining candidates should not be more than twice the number available (Rule 94 of the General Assembly Rules of Procedure). Any votes for other candidates during restricted voting round(s) are considered void. Restricted voting can continue for up to three rounds. If, at this point, a candidate still fails to garner a two-thirds majority, unrestricted

voting is reopened for up to three rounds for all candidates, including new entrants. This pattern of restricted and unrestricted voting continues until a candidate has secured the required two-thirds of the votes.

The emergence of new candidates during the unrestricted rounds is rare, but not unprecedented. This is most likely if there appears to be a deadlock after multiple rounds. If a trend is starting to emerge in favour of one or more candidates after a succession of inconclusive ballots, it is not unusual for the candidate(s) with fewer votes to withdraw.

While unlikely, it is theoretically possible that a member state running on a “clean slate” does not garner the requisite votes of those present in the General Assembly in the first round of voting. Such a candidate may then be challenged in subsequent rounds and may ultimately not obtain a seat.

Rule 88 of the Rules of Procedure of the General Assembly indicates that once the president of the General Assembly announces the commencement of voting, the process can only be interrupted on a point of order regarding the conduct of the vote. Furthermore, explanations of vote are not permitted when votes are cast by secret ballot, as in the case of elections to the Security Council.

Following the election, and as part of the induction process, incoming elected members are invited to participate as observers in Security Council consultations as of 1 October before taking their seats on 1 January for a two-year non-renewable term.

### **Relationship Between the Security Council and General Assembly Presidents**

While there have been calls by the General Assembly for greater interaction between the two bodies' presidents, this does not take place regularly. At particular times, for example during the Secretary-General selection process, the Security Council and General Assembly presidents may have a monthly meeting for an exchange of views. The president of the General Assembly may issue a press release following such meetings.

### **Annual and Special Reports of the Security Council to the General Assembly**

Under the UN Charter, the Security Council's only clear obligation to the General Assembly is to submit an annual report for its

### **Extended Rounds of Voting**

In several instances, extended rounds of voting have been required to fill a contested seat. In 2006, Guatemala and Venezuela went through 47 voting rounds before both withdrew, and Panama was elected in the 48th round. In 1979, Colombia and Cuba contested a seat for 154 rounds, a record for Security Council elections, before Mexico was elected as a compromise candidate in the 155th round. In 1956, there were 52 rounds between Poland and Turkey, which ended with an agreement that they would serve one year each.

consideration, as set out under Article 24 (3) (“the Security Council shall submit annual, and when necessary, special reports to the General Assembly”). The Charter also spells out the obligation of the General Assembly to receive and consider these reports, and states that the reports should include the “measures that the Security Council has decided upon or taken to maintain international peace and security.”

The annual report covers activities and questions considered by the Security Council. It is issued under the document symbol A/(session)/2 and published in Supplement 2 of the General Assembly Official Records.

The format of the Annual Report has been revised at least seven times, first in 1974, and then in 1985, 1993, 1994, 1995, 2002 and 2015. Changes to the Annual Report have been captured in notes by the president, including S/1997/451, S/2002/199, S/2015/944 and S/2017/507.

For many years the Annual Report was a compilation of Council documents, communications received, and meetings, produced by the Secretariat. Over time, the report’s timeliness, content and format have improved. In 2002, a more analytical introduction was added. The practice is for the introduction—concise and not to exceed 10,000 words—to be drafted by the delegation holding the July Council presidency (unless that member will depart the Council at year-end, in which case it falls to the following month’s president), with informal meetings held to discuss the drafting process. The report needs to be approved by all current members of the Council and those that were on the Council during the period covered. Other changes, articulated in note S/2015/944, have included moving the period covered from a mid-year to a calendar year cycle.

Since 1993, the Annual Report has been adopted at an open meeting of the Council. A note by the president is issued following the adoption. The report is presented to the General Assembly by the sitting Council president, which under the new calendar year cycle is meant to be adopted during a General Assembly session in the spring. The presentation of the Annual Report is an opportunity for members of the General Assembly to comment on the content of the report, as well as on the Council’s implementation of its mandate for the maintenance of international peace and security.

The Council has never submitted a special report to the General Assembly.

### **Appointment of the Secretary-General**

In 1946, the General Assembly adopted resolution 11(I), which determined the respective roles in the selection process of the Council and

the General Assembly. The resolution required voting majorities in both the Council and the General Assembly and provided that both recommendation and appointment be discussed in private meetings and that a vote, if taken by the Council, should be in secret. The Council practice over the years has involved straw poll ballots to assess viability among multiple candidates before formal balloting. The straw poll ballot process means that votes can be cast informally and without holding an official meeting in the Council chamber. The final step in the selection process is a Council resolution recommending the appointment of the next Secretary-General to the General Assembly. This Council resolution has not always been adopted unanimously, and as this matter is deemed to be substantive, it cannot be adopted with a permanent member voting against. The actual appointment has traditionally been made by way of a General Assembly resolution, for example A/RES/71/4 of 13 October 2016 appointing Secretary-General António Guterres as Secretary-General from 1 January 2017 to 31 December 2021.

## Membership in the UN

States are admitted to membership in the UN by decision of the General Assembly upon the recommendation of the Security Council (Article 4 [2]). The rights and privileges of membership of the General

### Membership of South Sudan

The most recent application for UN membership was that of South Sudan.

- The Council considered the application at its 6580th meeting on 11 July 2011 and referred the application to the Committee on the Admission of New Members (Rule 59 of the Provisional Rules of Procedure).
- The Committee unanimously decided to recommend to the Council that the Republic of South Sudan be admitted to membership in the UN and recommended the adoption of a draft resolution to that effect.
- At the 6582nd meeting, on 13 July 2011, the Council adopted resolution 1999, recommending to the General Assembly that the Republic of South Sudan be admitted to membership in the UN. The Council also adopted a presidential statement with its recommendation.<sup>5</sup>
- In a letter on 13 July 2011 from the president of the Council to the Secretary-General, the Council requested the latter to transmit to the General Assembly resolution 1999 and the verbatim records of the 6580th and 6582nd meetings (Rule 60 of the Provisional Rules of Procedure).
- On 14 July 2011, the General Assembly decided to admit the Republic of South Sudan to membership in the UN by its resolution 65/308.

Assembly may also be suspended and restored upon the recommendation of the Council (Article 5), and the Council can recommend the expulsion of a member that has persistently violated the principles of the Charter (Article 6).

## 4.2 Economic and Social Council

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ECOSOC coordinates the work of the 15 UN specialised agencies, eight functional commissions and five regional commissions, receives reports from six UN funds and programmes and issues policy recommendations to the UN system and to member states. Under the UN Charter, ECOSOC is responsible for promoting higher standards of living, full employment, and economic and social progress; identifying

### Ad-Hoc Advisory Groups on Burundi and Guinea-Bissau

The General Assembly's resolution 55/217 of December 2000 on causes of conflict and the promotion of durable peace and sustainable development in Africa requested ECOSOC to consider creating an ad hoc advisory group on African countries emerging from conflict with a view to assessing their needs and elaborating a long-term programme of support that begins with the integration of relief into development.

In 2002, the ECOSOC Ad Hoc Advisory Groups (AHAG) were established with a mandate to assess the economic and humanitarian needs of the countries concerned and to review relevant programmes of support and to provide advice on how to ensure that the assistance of the international community in supporting the country concerned is "adequate, coherent, well-coordinated and effective and promotes synergy."<sup>6</sup> To achieve these goals, the Groups visited the countries and undertook broad consultations with the national authorities and their development partners.

The AHAG on Guinea-Bissau was created in October 2002 with Brazil, Netherlands, Portugal and South Africa. The AHAG on Burundi was established in July 2003 and included Belgium, Ethiopia, France, Japan and South Africa. Both groups usually met at ambassadorial level, with the permanent representatives of Guinea-Bissau and Burundi participating in the respective gatherings. The advisory groups invited the chair of the Security Council Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, and the president of ECOSOC, and in the case of Guinea-Bissau, the chair of the Group of Friends on Guinea-Bissau, to participate in their work. Both AHAG's were terminated when they were added to the agenda of the PBC: the AHAG on Burundi in 2006 and the AHAG on Guinea-Bissau in 2008.

While the peacebuilding challenges of Burundi and Guinea-Bissau are now being addressed by the PBC, ECOSOC retains its role in providing advice to Haiti on a



solutions to international economic, social and health problems; facilitating international cultural and educational cooperation; and encouraging universal respect for human rights and fundamental freedoms. ECOSOC has 54 members elected by the General Assembly for three-year terms.

There is just one article in the Charter on the relationship between the Security Council and ECOSOC. Article 65 states, “The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.”

Resolution 85 adopted on 31 July 1950 on the need for relief in Korea was the first time Article 65 was mentioned in a Council resolution. It requested ECOSOC, as well as the Secretary-General, UN agencies and non-governmental organisations, to provide assistance to the United Command for the relief and support of the civilian population of Korea. There had been two earlier references to relations between the Security Council and ECOSOC. In August 1948

long-term development strategy to promote socio-economic recovery and stability through the Ad Hoc Advisory Group on Haiti. The first Advisory Group on Haiti was created in 1999 in response to a request by the Security Council, using Article 65 of the UN Charter to request advice from ECOSOC. It was reactivated in 2004.

The Group is composed of the permanent representatives of Canada (chair), Argentina, Benin, Bahamas, Brazil, Chile, Colombia, El Salvador, France, Haiti, Mexico, Peru, Spain, Trinidad and Tobago, and the US. In its decision 2004/322, ECOSOC also decided that the Group would invite the participation of the ECOSOC president and the Special Representative of the Secretary-General for Haiti. The mandate of the Group is to provide advice on Haiti’s long-term development strategy to “promote socioeconomic recovery, reconstruction and stability, with particular attention to the need to ensure coherence and sustainability in international support for Haiti, based on the long-term national development priorities, building upon the Strategic Plan for the Development of Haiti”.<sup>7</sup>

These advisory groups created a bridge between the Security Council and ECOSOC which led to enhanced cooperation for a few years linking the social-economic and political aspects of post-conflict recovery. It also played an important role in the work of the Security Council Ad Hoc Working Group on Conflict Prevention and Resolution in Africa. There were two visiting missions where the Security Council and ECOSOC collaborated. While the Security Council was undertaking a 22-28 June 2004 visit to West Africa, on 27 and 28 June the mission was joined in Guinea-Bissau by the chairman of the ECOSOC AHAG on Guinea-Bissau. The Security Council’s 13-16 April 2005 visiting mission to Haiti was held in conjunction with the mission of the ECOSOC AHAG on Haiti.

in connection with the Palestine question, the UK proposed that the record of the Council's discussion on the subject of refugees be transmitted to ECOSOC for "any action that they may take". In a letter dated 14 March 1949, the Secretary-General transmitted to the president of the Security Council resolution 214 B (VIII) adopted by ECOSOC on 16 February 1949 on human rights in Palestine.

In the 1990s as the Council began discussing matters which overlapped with the work of ECOSOC, such as development, protection of civilians in armed conflict, human rights, the impact of armed conflict on children or interlinkages between sustainable peace and development, its decisions included more references to ECOSOC's role and contributions.

In 1992, Secretary-General Boutros Boutros Ghali noted in his report "An Agenda for Peace" the potential relevance of Article 65 as part of an early warning system. He had recommended that the Security Council invite ECOSOC to provide reports, in accordance with Article 65 of the Charter, on "those economic and social developments that may, unless mitigated, threaten international peace and security." The Security Council, in the presidential statement issued at the end of a ministerial meeting on the situation in Africa on 24 September 1998,<sup>8</sup> and in its resolution 1170 also of 1998, called on ECOSOC to consider a comprehensive response to the challenges facing Africa. The Council reaffirmed the importance of interaction with ECOSOC in this regard in a presidential statement of 31 January 2002.<sup>9</sup>

The need for closer cooperation and collaboration between the Security Council and ECOSOC in addressing the challenges of peacebuilding in countries emerging from conflict was also raised regularly. With the establishment of the PBC in 2005, the roles of the Security Council and ECOSOC within the PBC created another link between the two.

### **Briefings to the Council by the ECOSOC President**

In 2002, the ECOSOC president briefed the Council for the first time during a meeting on the situation in Africa. This was followed by ECOSOC's participation in two other meetings<sup>10</sup> on the situation in Africa in May and July that year as well as on women, peace and security<sup>11</sup> and the Central African region.<sup>12</sup> The following year the ECOSOC president participated in a wrap-up discussion<sup>13</sup> on the work of the Council and meetings on Guinea-Bissau and Burundi.<sup>14</sup> Between 2004 and 2007 there were seven briefings by the ECOSOC president to the Council on a range of issues including countries emerging from conflict, post-conflict peacebuilding, complex crises

and security sector reform. ECOSOC participation in Council meetings has declined since 2009, with four briefings between 2009 and 2019. The last briefing was in 2018 during a Council open debate on strengthening multilateralism and the role of the UN.<sup>15</sup>

### 4.3 Trusteeship Council

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The Council Trusteeship Council is a principal organ of the UN, assigned with supervising the administration of Trust Territories placed under the Trusteeship System. The Trusteeship System was established for the supervision of Trust Territories placed under it by individual agreements with the states administering them. The main goals of the System were to promote the advancement of the inhabitants of Trust Territories and their progressive development towards self-government or independence. The Trusteeship Council is made up of the five permanent members of the Security Council—China, France, Russia, the UK and the US. In the past it has also included member states administering trust territories and member states elected by the General Assembly. The Trusteeship Council suspended its operations on 1 November 1994, a month after the independence of Palau, the last remaining UN trust territory.

The UN Charter gave the Security Council responsibility for the approval of the terms of the trusteeship agreements for strategic trust territories, as well as for their alteration or amendment. It was also mandated to exercise all functions of the UN relating to strategic trust territories. The General Assembly is responsible for ordinary trust territories.

### 4.4 International Court of Justice

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The UN Charter envisioned a symbiotic relationship between the Security Council and the ICJ. It made the ICJ the principal judicial organ of the UN (Article 96). Under Article 96 the General Assembly or the Security Council “may request the ICJ to give an advisory opinion on any legal question.” The ICJ is one of the tools available to the Council in the peaceful settlement of disputes affecting international peace and security. Under Article 36 (3), the Council “should also

take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice". (See *Part 1 for details of the ICJ and use of Article 36 [2]*).

The Charter provided the ICJ with the authority to give advisory opinions. The General Assembly has requested several such opinions of the Court, most recently regarding the Chagos Archipelago in 2017, which, in its eventual opinion, given on 25 February 2019, the Court concluded that "the process of decolonization of Mauritius was not lawfully completed when that country acceded to independence" and that the "United Kingdom is under an obligation to bring an end to its administration of the Chagos Archipelago as rapidly as possible".<sup>16</sup> The possibility of the Council requesting an advisory opinion surfaced in its deliberations several times in the first few years of UN's existence. A draft resolution put forward by Belgium on 26 August 1947 to request an advisory opinion on the competence of the Council to deal with the situation in Indonesia (where fighting with the Dutch colonial power broke out after the end of the Second World War) did not receive the required majority. A Syrian draft resolution proposed on 27 July 1948 requesting an advisory opinion on the legal status of Palestine after the termination of the British Mandate similarly failed to receive the required majority.

### **The Council and Enforcement of ICJ Judgments**

Enforcement of ICJ judgments is another potential area of interaction for the Court and the Council. Article 94 (2) of the Charter gives

#### **Advisory Opinion on the Presence of South Africa in Namibia**

The Council has requested an advisory opinion only once. On 29 July 1970, it asked for an advisory opinion on the "legal consequences for states of the continued presence of South Africa in Namibia". The request was made in the context of South Africa's disregard for previous UN resolutions, including Council resolutions 264, 269 and 276, requiring it to end its presence in Namibia.

In its advisory opinion of 21 June 1971, the Court found that the continued presence of South Africa in Namibia was illegal and that UN member states were obligated to refrain from any acts and any dealings with the South African government that implied recognition of the legality of, or lent support or assistance to, such presence and administration. In resolution 301 of 20 October 1971, the Council took note with appreciation of the advisory opinion, agreed with its operative conclusions and called upon all states to conduct themselves in accordance with the advisory opinion. France and the UK abstained on the resolution.

the Council the power to “make recommendations or decide” on measures to be taken to give effect to a judgment if a request is made by one of the parties to the dispute. In practice, however, the Council has never used its power to enforce an ICJ judgment, though it should be noted that the parties to disputes have mostly complied with ICJ judgments.

### Relationship between the Security Council and the ICJ

Since 2000, the Council has been briefed annually by the president of the ICJ on pending cases before the Court, recent judgments and the Court’s budget. The complementary roles the Court and the Council play in the promotion of the rule of law and substantive links between issues considered by these bodies have also been the subjects of discussion.

On 11 August 2014, a Council visiting mission went to The Hague. Council members met the Registrar of the ICJ and several judges and participated in an interactive dialogue session with the ICJ judges, co-chaired by Luxembourg and Chile. The discussion focused on the work of the ICJ, the challenges of achieving international acceptance of its advisory opinions and the compulsory jurisdiction of the Court, as well as the Council’s relationship with the ICJ.

### Election of ICJ judges

The ICJ consists of 15 judges elected for nine-year terms by the General Assembly and the Council. Five seats come up for election every three years, normally in November. In the event of a vacant position, the Council and the General Assembly will both hold elections. The new judge will occupy the seat for the remainder of the term.

According to Article 2 of the Statute:

*“the Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law”.*

Article 8 of the Statute states that the General Assembly and Security Council shall proceed independently of one another to elect the

### Article 94 (2): Nicaragua v. United States

On 20 October 1986, in a letter to the president of the Security Council, Nicaragua requested an emergency meeting to consider the failure of the US to execute the ICJ’s judgment of 27 June 1986 against it in the Military and Paramilitary Activities in and against Nicaragua Case. In its judgment, the Court found that the US had violated the prohibition on the use of force by supporting the “Contras”, rebels operating against the Nicaraguan government, and by laying mines in Nicaraguan waters. A draft resolution calling for full and immediate compliance with the ICJ judgment was vetoed by the US on 28 October. In a statement before the vote, the US rejected the jurisdiction and competence of the Court to render the 27 June judgment. France, Thailand and the UK abstained on the vote.

members of the Court in a secret ballot. Candidates who obtain an absolute majority of votes (that is, a majority of all electors, whether or not they vote) in both the General Assembly and the Council are elected. A candidate, therefore, must obtain a minimum of 97 votes in the former and eight votes in the latter. In the Council vote, there is no distinction between permanent and non-permanent members.

Each elector may vote for five candidates on the first ballot. If the number of candidates obtaining an absolute majority is fewer than five on the first ballot, a second ballot for the remaining positions will be held and balloting will continue until five candidates have obtained the required majority. If more than the required number of candidates obtain an absolute majority on the same ballot in either organ, a new vote on all the candidates will be held. In the event that the five candidates elected by one organ are not the same as those elected by the other, both will proceed (independently) to new balloting to fill the unresolved seats. This process will continue for three meetings when, if any positions are still not filled, the Council and the General Assembly may decide to convene a conference of six members (three from each organ) to recommend a candidate for acceptance by the General Assembly and the Council.

## 4.5 The Security Council, the Secretary-General and the Secretariat

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According to Article 97 of the UN Charter, the Secretary-General is the “chief administrative officer” of the organisation and shall be appointed by the General Assembly upon the recommendation of the Security Council. Article 98 states that the Secretary-General shall perform his role as chief administrative office in “all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs.”

The Secretary-General’s most substantive powers derive from Article 99 which gives the Secretary-General the right to “bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security”. Under Rule 3 of the Provisional Rules of Procedure, the President shall call a meeting of the Security Council if the Secretary-General “brings to the attention of the Security Council any matter under Article 99.”

Historically, this mandate has been used very rarely (for example, it was invoked by the Secretary-General in 1960 in response to the crisis in the Congo and in 1979 in response to the occupation of the US embassy in Iran). Nevertheless, successive Secretaries-General have played at times active, independent roles in identifying concerns or potential threats to international peace and security and raising these informally with Council members in consultations or during the monthly luncheons hosted by the president of the Security Council.

Resolution 1625, adopted on 14 September 2005, following a summit-level meeting of the Security Council on conflict prevention, encouraged the Secretary-General to provide information to the Council on developments in regions at risk of armed conflict pursuant to Article 99. The Council received regular horizon-scanning briefings by the Secretariat during consultations from November 2010 through 2012, which was an example of the exercise of the Secretary-General's Article 99 powers. The Secretary-General is also tacitly using Article 99 powers when initiating fact-finding missions, investigative commissions and the offer of good offices or mediation as mechanisms of conflict prevention and resolution.

## Endnotes *Part IV*

1. <http://legal.un.org/unjuridicalyearbook/volumes/1968/> or [http://legal.un.org/repertory/art12/english/rep\\_supp4\\_vol1\\_art12.pdf](http://legal.un.org/repertory/art12/english/rep_supp4_vol1_art12.pdf)
2. S/2014/348 (22 May 2014)
3. A/RES/69/188 (21 January 2015)
4. A/RES/1991 (XVIII) (17 December 1963)
5. S/PRST/2011/14 (13 July 2011)
6. ECOSOC Resolution E/2002/1 (15 July 2002)
7. ECOSOC Resolution 2015/18 (17 September 2015)
8. S/PRST/1998/29 (24 September 1998)
9. S/PRST/2002/2 (31 January 2002)
10. S/PV.4538 (2 May 2002) and S/PV.4577 (18 July 2002)
11. S/PV.4635 (28 October 2002)
12. S/PV.4630 (22 October 2002)
13. S/PV.4748 (30 April 2003)
14. S/PV.4860 (18 November 2003) and S/PV.4876 (4 December 2003)
15. S/PV.8395 (9 November 2018)
16. A/71/292 (22 June 2017)



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## Provisional Rules of Procedure of the Security Council (S/96/Rev.7)

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Adopted by the Security Council at its 1st meeting and amended at its 31st, 41st, 42nd, 44th and 48th meetings on 9 April, 16 and 17 May, 6 and 24 June 1946; 138th and 222nd meetings on 4 June and 9 December 1947; 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. Previous versions of the provisional rules of procedure were issued under the symbols S/96 and Rev. 1-6.

### Chapter I Meetings

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#### 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.

## **Chapter II Agenda**

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#### **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 of 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.

## **Chapter III Representation and Credentials**

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### **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.

## **Chapter IV Presidency**

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#### **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 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. This rule shall not affect the representative capacity of the President as stated in rule 19, or his duties under rule 7.

## **Chapter V Secretariat**

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### **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.

## **Chapter VI Conduct of Business**

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### **Rule 27**

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

### **Rule 28**

The Security Council may appoint a commission or committee or a rapporteur for a specified question.

### **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 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 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:

- To suspend the meeting;
- To adjourn the meeting;
- To adjourn the meeting to a certain day or hour;
- To refer any matter to a committee, to the Secretary-General or to a rapporteur;
- To postpone discussion of the question to a certain day or indefinitely; or
- To introduce an amendment.

Any motion for the suspension or for the simple adjournment of the meeting shall be decided without debate.

### **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 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 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 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.

## **Chapter VII Voting**

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#### **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.

## **Chapter VIII Languages**

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#### **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.

## **Chapter IX Publicity of Meetings, Records**

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### **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.

## **Chapter X Admission of New Members**

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#### **Rule 58**

Any State which desires to become a Member of the United Nations shall submit an application to the Secretary-General. This application shall contain a declaration made in a formal instrument that it accepts the obligations contained in the Charter.

#### **Rule 59**

The Secretary-General shall immediately place the application for membership before the representatives on the Security Council. Unless the Security Council decides otherwise, the application shall be referred by the President to a committee of the Security Council upon which each member of the Security Council shall be represented. The committee shall examine any application referred to it and report its conclusions thereon to the Council not less than thirty-five days in advance of a regular session of the General Assembly or, if a special session of the General Assembly is called, not less than fourteen days in advance of such session.

#### **Rule 60**

The Security Council shall decide whether in its judgment the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter and, accordingly, whether to recommend the applicant State for membership.

If the Security Council recommends the applicant State for membership, it shall forward to the General Assembly the recommendation with a complete record of the discussion.

If the Security Council does not recommend the applicant State for membership or postpones the consideration of the application, it shall submit a special report to the General Assembly with a complete record of the discussion.

In order to ensure the consideration of its recommendation at the next session of the General Assembly following the receipt of the application, the Security Council shall make its recommendation not less than twenty-five days in advance of a regular session of the General Assembly, nor less than four days in advance of a special session.

In special circumstances, the Security Council may decide to make a recommendation to the General Assembly concerning an application for membership subsequent to the expiration of the time limits set forth in the preceding paragraph.

## **Chapter XI Relations with other United Nations Organs**

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### **Rule 61**

Any meeting of the Security Council held in pursuance of the Statute of the International Court of Justice for the purpose of the election of members of the Court shall continue until as many candidates as are required for all the seats to be filled have obtained in one or more ballots an absolute majority of votes.

## Appendix

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Provisional procedure for dealing with communications from private individuals and non-governmental bodies

- A. A list of all communications from private individuals and non-governmental bodies relating to matters of which the Security Council is seized shall be circulated to all representatives on the Security Council.
- B. A copy of any communication on the list shall be given by the Secretariat to any representative on the Security Council at his request.





