

SECURITY
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REPORT OF DR. YUEN-LI LIANG,

CHAIRMAN OF THE COMMITTEE OF EXPERTS OF THE SECURITY COUNCIL,

WITH REGARD TO CHAPTERS I - IV OF THE PROVISIONAL RULES OF PROCEDURE.

At its first meeting in London on 17 January 1946, the Security Council adopted as Provisional Rules for its own use the Rules recommended by the Preparatory Commission of the United Nations, and at the same time set up the Committee of Experts of the Security Council to review these Provisional Rules. The Committee held six meetings in London, and its preliminary recommendations were completed for presentation to the Security Council on 5 February 1946. (Document S/6: Report of the Chairman of the Committee of Experts on the Alterations made by the Committee in the Provisional Rules of Procedure of the Security Council). At its last meeting in London on 16 February 1946, the Security Council instructed the Committee to review the Provisional Rules of Procedure further in the light of discussion in the Security Council during the preceding meetings. The Committee has held fifteen meetings since its first meeting in New York on 20 March 1946.

The meetings of the Committee in New York have been devoted to a detailed re-examination of Chapters I - IV of the Provisional Rules, to a further consideration of the Rules concerning Credentials recommended by the Committee in the Report of 5 February 1946, and to a re-examination of the Recommendation of 8 February 1946, relating to a provisional procedure for dealing with communications from non-governmental sources (Document S/7). Many other aspects of procedure await the attention of the Committee. Since the speedy presentation of a comprehensive and definitive Report is not possible in view of the careful deliberation which the subject requires, the Committee has

decided to submit this preliminary Report.

The subjects covered in this preliminary Report are:

Meetings: Rules 1 - 5

Agenda: Rules 6 - 12

Representation of Credentials: Rules 13 - 17

Presidency: Rules 18 - 19

Secretariat: Rules 20 - 23

These Rules have been unanimously accepted by the Committee of Experts. If adopted by the Security Council, they would replace Rules 1 - 15 of the present Provisional Rules, and the remainder of these Provisional Rules would remain in force pending further examination by the Committee of Experts. The Committee recommends that the entire body of Rules should continue to be regarded as provisional in character.

A brief indication may be given of the difference between the attached rules and those now in force.

The rules relating to Meetings have been recast by the Committee. The rules now in force concerning meetings are based on a distinction between three types of meeting: regular, periodic and extraordinary. In the course of discussion it became apparent that no clear distinction between regular and extraordinary meetings could be drawn. The distinction is therefore abandoned in the rules attached to this Report. The Committee has sought to draw up rules which, by reason of the proposed frequency of meetings and of facility in the calling of meetings, may be deemed to give effect to the requirement of the Charter that the Security Council shall be so organized as to be able to function continuously. Rule 5, which makes provision for the application of Article 28 (3) of the Charter, has been added. The Committee has refrained from expressing any opinion as to the frequency of the periodic meetings provided for in Article 28 (2) of the Charter on the grounds that only representatives on the Security Council are qualified to form a judgment on this matter.

The Rules relating to the Agenda have also been recast. The Committee has engaged in extensive discussion of alternative methods for the placing of business before the Security Council, and, after careful consideration, recommends the procedure indicated in the attached Rules 6 - 11.

No rules relating to Credentials were submitted by the Preparatory Commission. The Committee recommends the addition to the Provisional Rules of a new chapter relating to the presentation and examination of credentials.

The Rules relating to the Presidency remain unchanged.

The rules relating to the Secretariat have been amended in order to avoid repetition.

A recommendation regarding a provisional procedure for dealing with communications from non-governmental sources relating to matters of which the Security Council is seized is attached as Annex A.

RULES RECOMMENDED FOR INCLUSION IN THE PROVISIONAL
RULES OF PROCEDURE IN SUBSTITUTION FOR RULES 1 TO 15

(Approved by the Committee of Experts on 5 April 1946)

I. MEETINGS

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

The periodic meetings of the Security Council called for in Article 28 (2) of the Charter shall be held.....*

* The Committee of Experts makes no recommendation as to the frequency of periodic meetings, as it is of the opinion that it is for the Security Council to form a judgment regarding the frequency of periodic meetings.

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.

II. AGENDA

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 has 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 to periodic meetings.

III. REPRESENTATION AND CREDENTIALS

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 Prime Minister 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.

IV PRESIDENCY

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.

V. SECRETARIAT

Rule 20

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 21

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

Rule 22

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 23

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.

ANNEX A

PROVISIONAL PROCEDURE FOR DEALING WITH COMMUNICATIONS
FROM NON-GOVERNMENTAL SOURCES

The Committee of Experts of the Security Council recommends the following provisional procedure for dealing with communications from private individuals and non-governmental bodies relating to matters of which the Security Council is seized.

- 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.
