



RULES OF PROCEDURE

United Nations Security Council: The Council and its Procedures

The United Nations

To understand the Security Council we need to understand the United Nations, and to understand the United Nations we have to look into the context in which it was created. When the world decided at the end of the Great War (as the World War I was called at the time, they didn't know there would be a second one) to create the League of Nations, under the influence of President Woodrow Wilson of the United States of America, there was an understanding that the creation of a standing multilateral body with power to act upon threats to peace and security was needed to actually make international law prevail over the anarchic nature of the international system. What better way to make countries think twice before retorting to brute force and violence in order to achieve their goals than the credible threat of retaliation (military or otherwise)? If there is no world government to police every countries' actions, then they should police themselves. This concept is called 'collective security', and basically means that states part of such arrangement are collectively responsible for acting against threats upon one or more of its members. Unfortunately, for a series of reasons (that include the rejection of the Treaty by the US Congress and an organization much weaker than originally planned) the League of Nations quickly became obsolete and clearly unable to achieve its initial goals. The years after the Great War were as marred by wars as the years before, and it only got worse as more and more countries realized that the League was powerless to stop their expansionist ambitions.

It is generally understood that the World War II (or WWII) begun on September 1939 when German forces invaded Poland. However, the League of Nations, the only institution in place that, supposedly, could have prevented it, had already failed long before. Japan famously invaded Manchuria in 1931, starting a war that escalated into the Second Sino-Japanese War in 1937 and in a brief war between Japan and the Soviet Union in 1939 before the invasion of Poland. Those examples illustrate the fact that the League of Nations was wholly incapable of achieving its goals and that belligerence was a growing phenomenon in the 1930's in a way completely unrelated to the ascension of the Nazi Party in Germany. Germany obviously was a big part in the World War II and its atrocities are, until today, a grim reminder of what a completely unregulated international system looks like. However, there is a lesson to be learned from the other wars in the world that

led into the major conflict that started in 1939: if there is to be a system in place with the goal to keep peace, it has to be strong enough to be able to impose its will from time to time. If the League had acted on behalf of China when Japan invaded, their expansionist pretensions were certainly to be reviewed. Had the League acted against Germany when it unceremoniously broke treaty after treaty, annexed Austria, parts of Czechoslovakia and recreated its armed forces, maybe they would not have been emboldened enough to march over the Polish border and millions of people would have not died in the conflict that ensued.

With those lessons in mind, in 1941, the Prime Minister of the United Kingdom Winston Churchill and the President of the (still neutral) United States of America Franklin Delano

Roosevelt signed the Atlantic Charter. A document stating their goals for the reconstruction of the international system after the war. This Charter laid the foundation to what would become the United Nations, as it listed the principles upon which the UK and the USA would act and “base their hopes for a better future for the world”. Those principles were: no territorial expansionism, territorial adjustments had to be executed in accord with the peoples concerned, the right to self-determination, free trade, economic collaboration, the wish to see a world free of “want and fear”, freedom of navigation and the abandonment of the use of force and the disarmament of the aggressor nations of WWII. In January 1st 1942, after Pearl Harbour and the sudden entrance of the USA in the war effort, the nations that were collectively in conflict against the aggressor nations signed the Declaration by the United Nations, where signatories subscribed to the principles of the Atlantic Charter and declared

Being convinced that complete victory over their enemies is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands, and that they are now engaged in a common struggle against savage and brutal forces seeking to subjugate the world.



Soviet soldiers stand over the Nazi Eagle, a perfect symbol of the fall of the Nazi Reich.



Palais de Nations in Geneva. Built as Headquarters of the League of Nations it now houses UN offices in Switzerland. One of the several ways the UN inherited from the League.

The Declaration of the United Nations being the beginning of the UN means that it was born out of a common war effort. One of the requirements to being part of the “United Nations” during WWII was to have declared war against the members of the Tripartite Pact (Germany, Italy and Japan) and when the time came to create the United Nations as it is today one of the requirements was to have been a signatory of the Declaration of the United Nations, thus making it effectively an Organization created by

those directly related to the war effort.

The UN as we know was born in San Francisco, in 1945, through the San Francisco Conference. Were invited to the Conference the signatories of the Declaration by the United Nations¹, and those countries are considered the founding members of the United Nations Organization. The UN is an organization with the intent to “save succeeding generations from the scourge of war” and also “establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”.

The United Nations is a large organization, larger now than it has been in the past. It has become the main body of diplomacy, negotiations and resolution of international issues in every possible area. It was built, however, with one main goal in mind: the maintenance of international peace and security. So much so that in its Charter the term ‘international peace and security’ is mentioned a whopping thirty-two times, in contrast with the term ‘human rights’, the second most important goal of the UN, which is mentioned only seven times throughout the document. And the

¹ The original signatories of the Declaration were 46 countries, that were joined by four other especially invited nations: Denmark (being recently liberated from Nazi occupation they didn’t had had time to sign the original Declaration), Argentina (as a demand by Latin American countries), Ukraine and Belarus SSRs (as a Soviet demand that wished to have those Soviet Republics counted as separate sovereign entities). Poland was also recently free from Nazi occupation but still had no functioning government, so the participants of the Conference left the door open for Poland ratifying the Charter at a later date and still be counted as a founding member of the UN if the new government so decided. With the eventual adherence of Poland to the Charter we reach the original number of founding members of the UN: 51.

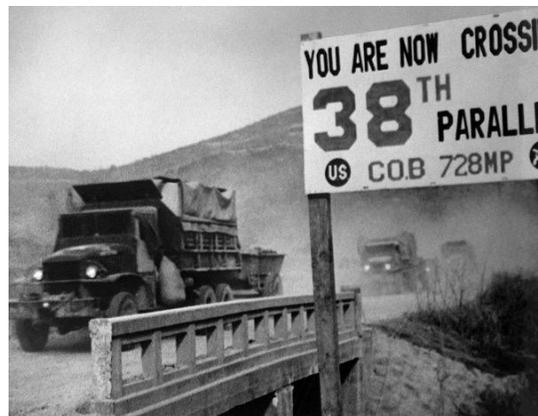
Security Council being the body tasked specifically with that responsibility is naturally regarded as the most important institution in the field of peace and security.

The Security Council

Originally created with only eleven members the Security Council (the SC) was quickly put to work as soon as it started to function properly. Iran introduced a formal complaint about the Soviet occupation of some of its territory. It had been occupied during the war as means to protect the rich oil fields from which the war effort depended on from enemy attacks, but in 1946 the Soviet Army had yet to retreat back beyond the border. The United Nations' Security Council Resolution number 2 deals with this situation (the first was related to internal matters pertaining the Military Staff Committee), and from that moment on the Council worked tirelessly.

Working tirelessly does not mean that it worked flawlessly; quite the opposite. One provision in the UN Charter is that the Council is composed by permanent and elected members, the five permanent are specified in the Charter and are: China, France, UK, USA and the USSR². Beyond being always present at the meetings those countries, commonly referred to as the P5, also have special voting powers. Article 27 of the Charter clearly states that decisions of the Council require affirmative votes from each of the permanent members, which effectively means that if either of the P5 countries is against a decision it will not be approved despite being supported by every other member of the Council. That special provision, known colloquially as the *veto power*, was a serious hindrance to the work of the Council in the decades after its creation.

The world soon after the War entered another war, a cold one, laid against each other the blocks led by the USA and the USSR. Both of those members having special voting powers in UNSC paralyzed the Council for years, shackling its ability to decide on all matters that remotely related to any of the P5 members. There are, of course, exceptions with one of the most notable being the Korea War, where after the



invasion of South Korea by northern forces backed by Communist China, the SC approved an

² The Republic of China has since been replaced by the People's Republic of China and the Union of Soviet Socialist Republics has been replaced by the Russian Federation under the concept that those new entities are "successor states" to the originally listed on the Charter. The original text has not been amended however, and still reference the Republican China and the Soviet Union until today.

international military intervention to defend the South against the Northern aggression. This resolution only was adopted because the Soviet Union had retreated its representatives from the Council as means to protest the non-recognition of the new government in Beijing. Without the Soviet veto, and with the Chinese delegation still representing the Taipei government of Republican China, there was no one to veto the resolution and it passed. The US led coalition under UN banner famously turned the tide of the war, resulting in the impasse that holds until today.

Another conflict where the SC was instrumental in its resolution was the 1956 Suez Crisis. In simple terms: in 1956 Egypt nationalized the Suez Canal angering the United Kingdom that, alongside France and Israel executed a military invasion that would liberate and re-internationalize the Canal, and give the Sinai Peninsula to Israel. That move was not supported by the USA nor the Soviet Union, that had no knowledge of the plot. It was quickly regarded as a reckless move that could have tipped the balance of the Cold War (making it a hot war) and both the USA and USSR agreed that there had to be a multilateral solution to this problem. The UN Secretary-General at the time Dag Hammarskjöld was one of the people that came up with a plan to send a United Nations Emergency Force to the Suez Area in order to settle the issue. The Emergency Force was to be comprised of international military personnel from neutral countries whose task was to monitor the parties' adherence to the cease-fire agreements and the neutrality of the established buffer zones. It was the beginning of what is nowadays known as the United Nations Peacekeeping. That despite not being literally provisioned on the Charter is now one of the most recognizable means of dealing with conflicts that the United Nations employ. This was such a landmark for the UN and international peace efforts that the individuals involved with the plan received the Nobel Peace Prize.

Peacekeeping has become an umbrella term for a wide range of interventions the Council has approved in the past. Since it's not written in the Charter, it's more dependent on context and as such not one mission is like the other. There are, of course, general lines that are followed. For example, peacekeeping missions are categorized as Chapter VI or Chapter VII missions, in reference to the UN Charter. Chapter VI of the Charter is *Pacific settlement of disputes* and missions falling under this category are the ones where the intervening force is not allowed to use force to achieve its goals. Usually Chapter VI missions are most commonly those to monitor cease-fires and agreements, where the international presence functions only as an international means of verifications through the use of military observers. Even so, there is nothing in Chapter VI that explicitly provides the legal basis for peacekeeping, it is an interpretation of the Charter as a whole and even Dag Hammarskjöld called it a provision from *chapter six and a half* since it



takes from more than just one place in the charter. Chapter VII, on the other hand, is *Action with respect to threats to the peace, breaches of the peace, and acts of aggression* and is where the Charter provides the legal basis for an armed military intervention with full use of force. Actions taken under the provisions of Chapter VII vary from a stabilization mission like the one in Haiti (MINUSTAH), to a full out military intervention

against an aggressor state³ (the Gulf War in 1991 against Iraqi aggression to Kuwait) and are similar in the authorization to use all means necessary to achieve its goals.

Intervention is a complex issue. While it represents the most recognizable UN action, it is a rare occurrence (less so now than it was during Cold War). As mentioned, it depends on the political context, the actors involved and comes in many forms and shapes and even changing over time. A good example of this is UNIFIL, the United Nations Interim Force in Lebanon, established in 1978 but still active today. The mission mandate was changed to include a Maritime Task Force after the war of 2006 and now includes warships from various countries that police

In 1991 a US-led coalition liberated Kuwait from Iraqi occupation. It was approved by the UNSC with favorable vote even from the Soviet Union.

the waters off Lebanon against smuggling and other illegal activities over the maritime area.

Every mission must have a mandate that is defined on the resolution that creates the mission, this mandate must establish in no certain terms what are the goals of the mission, what it can and can't do, and the resources devoted to that mission cannot deviate from the mandate. It is customary to have review meetings of the mandates in order to adapt it to possible changes in the situation.

While the questions of what is peacekeeping (and interventions in general are) and what it can do have been answered, there is another one: when does it happen? It is the hardest question to answer. The easy answer is: it happens when it is politically convenient or the cost of inaction is too great to, at least, all of the P5⁴. This may sound harsh but the sad reality is that there are more cases of United Nations' inactions than actions. Some are more famous than others (like the disaster in Rwanda) and generally motivate an late action after the damage has been

³ Military interventions against aggressor states are not peacekeeping missions, they are instead the original intent of Chapter VII when the Charter was written and paradoxically represent an insignificant minority of actions of the Council until today. As mentioned, because of the Cold War the Council was paralyzed to act upon most of the threats of the time, the only interventions against aggressor states were in 1950 against North Korea, 1991 against Iraq and 2001 against Afghanistan.

⁴ Or, in the very least, when it does not concern one of the P5s enough to force them to veto the resolution.

done due to public opinion backlash. The decade of 1990 was famous for the various instances where the UN failed to act, the already mentioned Rwanda being the most famous, but the civil war in the breakup of Yugoslavia is also an important part of this. The NATO intervention in Kosovo was called after a decade of Yugoslav war crimes and crimes against humanity in its doomed quest to maintain their territorial integrity. The fact that the UN was paralyzed (Russia represented Yugoslav interests in the UN and would not allow any action that violated Yugoslav sovereignty) prompted the NATO countries to act unilaterally in early 1999 in an air campaign against Yugoslav forces. While illegal, this intervention was ethically justified and politically convenient, since the western public demanded some sort of action against the notoriously criminal regime of Slobodan Milosevic. It however still posed a conundrum that haunted the international community for years. Was sovereignty and states' right to non-intervention in their internal affairs *carte blanche* to perpetrate atrocities that rivalled those of the Nazi regime in the 1940s? Ethically the answer is a quick no, but legally the notions of a due process and due authority to authorize military action and the sovereign rights of every country complicate things since they exist for very good reasons as well. If no due process is needed, then it opens a door for wars to happen under a humanitarian agenda but with underlying motives that are not at all honourable. The sovereign right to non-intervention in internal affairs is also really important, as it is what should have prevented the proxy wars of the Cold War and the huge number of *coups d'état* that deposed democratically elected heads of state in order to satisfy the interests of a foreign power in detriment of the local population (as the entire Latin America knows all too well).

To come up with more straightforward framework to work with the theme of interventions, a panel of specialists convened and presented the concept of *Responsibility to Protect* (colloquially known as R2P) in a structured manner to the appreciation of the United Nations. It was unanimously accepted at the 2005 World Summit. In simple terms R2P as presented to the United Nations build upon the notion that sovereignty does not protect in an unrestricted manner and there are situations where countries have not only the right but a responsibility to protect populations from their own government's abuses. However, military intervention must be seen as the last resort and to be justified it must comply to certain criteria: have a just cause, have the right intention, be last resort, apply proportional means, have reasonable prospects of success and have the right authority. It is not seen as transferring the responsibility to protect their own populations from their national governments to the international community, however, when a state government fails at this task, then the international community must act. And finally it established that it applies to four crimes: genocide, war crimes, crimes against humanity and ethnic cleansing). R2P is a very complex issue and by no means should be summed up on this

brief explanation. Fortunately it is a very studied subject and there is plenty of sources for research. The best place to start is the 2009's Report of the Secretary General called *Implementing the responsibility to protect*, published as an follow up to the Millennium Summit, available at <http://responsibilitytoprotect.org/implementing%20the%20rtop.pdf>.

Rules and Procedures

The current rules of procedures of the Security Council have been established in 1982 under the title Provisional Rules of Procedure of the Security Council, available under the UN Documentation Code S/96/Rev.7⁵. At first it does not do a very good job at describing how the day to day affairs of the Council are conducted and might appear complex and frightening. Let us help you with that⁶.

Let's talk about the Council itself for a moment. It's composed of 15 members, 5 permanent and 10 that rotate on two sets of 5 every year for a two years' mandate. Five members leave every December 31st, and on January 1st are replaced by other 5 that will seat at the Council table for two years. All those countries share, in principle, the same responsibility for conducting the works of the Council. As such every month the Presidency of the Council is rotated among its members⁷. In October 2017, the Presidency of the Council will be held by the delegation of France, and for that month that delegation will be responsible for conducting the Council in its procedural and bureaucratic matters. But what that means?

The Presidency⁸

The Presidency is the position responsible to, obviously, preside over the Council. That means that the President holds the responsibility to conduct its meetings and zeal for the procedures and order in them. However, more importantly, the President is the representative and public face of the Council⁹. Whenever the Council wishes to make a statement (in written or otherwise), it's the President's responsibility to do so for the Council. In accordance to that, some

⁵ Available at <http://www.un.org/en/sc/inc/pages/pdf/rules.pdf>.

⁶ If you really want to dive deeply into UNSC's Rules and Procedures we recommend reading the latest *Repertoire of Practice of the Security Council, Part II Provisional rules of procedure and related procedural developments* available at the UNSC's website at <http://www.un.org/en/sc/repertoire>. This guide was written based on the Repertoire, but the original document is still a valuable source of information, especially of precedents regarding more obscure rules and procedures adopted by the Council during its existence.

⁷ Rule 18.

⁸ Please refer to the Chapter IV of the Rules of Procedures.

⁹ Rule 19.

documents the Council can produce rely on the President: such as the **Presidential Statements** and **Press Releases**.

In essence, when the Council has to be represented as whole in any official capacity, that role is fulfilled by the President. However, if the President feels that he cannot preside over any particular matter that the country he represents is directly connected to, he can defer the Presidency to the next member in English alphabetical order for the duration of the appreciation on that specific matter¹⁰. In our case, the next President in the line will be Japan and so on.

The Secretary-General can, if he wishes to do so, act as President of the Council or appoint a representative to do so on his behalf.

The Presidential Statements and Press Releases

Presidential Statements are the standard means of communication between the Council and the world. Apart from actual decisions and resolutions, that's how the Council and its members publicize their positions on specific matters. Since the President is the “public face” of



the Council he has the responsibility to deliver said statements that are usually a synthesis of the Council discussion on that specific matter. It is used to convey the Council's attention, discussions and positions as a whole in cases that do not require the voting of a full resolution. Presidential Statements are important because they are part of official record of

the United Nations, being an official document that will be kept on record has its political weight and is much more important than a press release, for example. Presidential Statements are usually adopted by consensus with or without a vote.

The President of the Council makes the text available to the Secretariat for publication. However, he can count on other Council members for collaboration in writing the Statement. The Presidential Statements of the current year are available here for reference: <http://www.un.org/en/sc/documents/statements/2016.shtml>

¹⁰ Rule 20.

The Press Releases are the way the Council communicates with the general public. Some information must be made public and do not require either a resolution or a Presidential Statement. It is usually a way to keep the general public informed of the Council work and, in very basic terms, the discussions it has held. It is usually descriptive of the Council's actions while the Presidential Statement is more official in nature and, as said before, has a certain political weight to it. Press Releases are, however, not for the official record and as such carry much less weight. The President of the Council can call upon the Secretariat to produce Press Releases keeping the general public informed of works of the Council or he can produce the texts himself, with help from others members, and forwarding it to the Secretariat for publication.

Much like Presidential Statement, press releases are usually adopted by consensus without a vote and the President may want to informally verify with fellow Council members their approval of the final text. Press Releases of the Council are available at <http://www.un.org/press/en/type-document/press-release>

Agenda

Now that we know who presides the sessions let's look at what he's presiding over. Let us talk first about the Agenda, as the primary thing you need to have a discussion is a subject. The Agenda is the way the Council organizes their work in order to be able to discuss the subjects it finds to be of relevance to the maintenance of international peace and security. Since the Council has to delve into matters that change a lot (the world stubbornly refuses to wait until the Council has free time in their schedules to come up with a new crisis or conflict) the Agenda is usually conducted on a two-step process: first the Secretary-General informs the President of the Council of a Provisional Agenda and, later, the actual Agenda has to be approved by the members at the start of the meeting.

We have provided you with a Provisional Agenda that includes 3 proposed subjects of discussion along with the Secretary-General Reports (more on that later). Despite that, this Provisional Agenda is not required to be followed to the letter by the Council. One important part of International Politics is the control of the Agenda and its adoption. While sometimes overlooked as a boring technicality, it is actually the first front line where diplomats will struggle to exert their country's influence. If the Council doesn't even discuss one subject, you won't even be required to veto it later after an exhausting discussion, for example. Having said that it is important to stress that we do not expect you to go through all the themes proposed at the provisional agenda. In

fact, it would be a herculean task to try to achieve this under the limited time available, but we still expect delegates to be able to engage on the struggle to control the Agenda.

The Adoption of the Agenda is considered a procedural motion and, as all other procedural motions, requires nine affirmative votes to pass. Once an Agenda has been agreed upon it will be followed unless, after another voting process, the Council adopts a new Agenda. The Adoption of the Agenda is the first step the Council will have to take at its formal consultations in order to move ahead with the discussions.

Subjects can be brought to the attention of the Council even if they were not presented at the Provisional Agenda, provided they follow the rules established¹¹.

The Meetings and Discussions

Now that we know what the Agenda is we can start talking about the meetings properly. The member countries discuss their business not only inside the Council chambers, in fact nowadays they tend to arrive at the Council's meeting with most of the discussion previously done informally. That's why we have the separation between formal and informal consultations. This is a key aspect of conduct of business of the Council that must be very clear. Formal consultations are those that go on the official record, happen inside the Council Chambers and follow the proper rules and procedures in order to go on, and as such have the necessary framework to adopt resolutions and documents. Informal consultations do not go on record, have no rules and procedures to be followed and are usually conducted in the backstage, and because of that it cannot produce official documents and has no weight other than the word of those present.

Formal consultations are the *Meetings* you can find described along with their transcripts at the UNSC website. Meetings require an Agenda approved by the Council and can be called by the President, by the President on behalf of any member State, by referral from the General Assembly under Article 11(2) of the Charter, by referral from the Secretary-General under Article 99 of the Charter or under cases that are brought to the Attention of the Council as per Articles 35 or Article 11(3) of the Charter.

Informal consultations are everything else. They happen outside the council walls and, since they do not go on the official record, it is where countries usually discuss their business more frankly and, because of that, where things actually get done. Since we cannot actually rely on informal consultations in the way they happen in real life we are going to simulate that.

¹¹ Rules 1, 2, 3 and 6 of the Provisional Rules of Procedure and the Charter.

Informal consultations will be actually the main avenue of discussions, and since it has no rules and procedures, delegates can propose the format that best suits their needs. They can informally keep using the Council's rules and procedures, like having the President as chair of the discussions, or can call the Secretariat for help. It can follow the Speaker's List format or decide speakers by showing of hands, for example. We will detail those differences further in a moment, for now it is important to know that formal consultations are the only format of discussion that has to follow rules, that can be open to the press and that have the power to produce official documents.

It is important to notice that this distinction has a very strong cultural component. Despite the fact that the actual rules and procedures have changed very little since 1945, the way they are interpreted and applied has changed with the world since that time. One example is that nowadays Meetings (formal consultations) are seldom places where countries actually go to discuss. Normally they have already discussed everything they had to prior to getting inside Council Chamber. This is a clear difference between the Cold War days when the Soviet Union and the USA had very little contact outside formal diplomatic grounds and where Meetings could go into the night with their discussions. It is not impossible to see that today, however, just highly unlikely. Today countries usually enter the Meetings only to have their positions be made public and enter the official record, vote on resolutions and statements by the President, while everything else is done outside. This is made clear by the fact that, today, it's very rare that a country speaks more than once per Meeting of the Council. Diplomacy actually is happening outside the UNSC more and more.

Conduct of Business - Formal Consultations

During Meetings we will uphold the rules and procedures. The President will open the meeting announcing the Agenda and calling for the countries present to show their will to speak to the Council on the matter. Delegates will then signal their wish to speak in orderly fashion and Secretariat will add their names to the Speaker's List. The Speaker's List is a tool where countries are included in the order they have demonstrated their wish to speak and the President will successively call their names and give them the floor to deliver their speeches. To put it simply: it's a line where countries wait for their turn to speak.

Every country will have an allotted time of 2 minutes to deliver their speech. The speech time can be changed (to either add or subtract) by a motion from the delegates. If a delegation is called to deliver their speech and they either don't want to, or will not use all of their allotted time

they can yield their remaining time to any other delegation. Time on the floor can only be yielded once, and as such if a delegation that received yielded time from another delegation does not use all the time they received, it cannot be yielded forward again.

The Speaker's List is the only way the Council conducts its business at formal consultations.

Motions (we will explain what those are in a moment) can be brought to the attention of the President between speeches by show of hands. The President does not need to ask if there are any Motions of the floor, he will automatically give the floor to the delegation that raises their hand in between speeches so they can elaborate their Motion. This is not to be abused by the delegations, however, Motions are not to deliver speeches, but serious tools for the conduct of business and delegations that abuse the showing of hands as means to trigger a Motion can be ejected from the Session.

The formal consultations are also where the Council adopts its documents. At the specific section of the guide you will find details of how this proceeds.

Meetings will end via Motions to suspend or adjourn the Meeting. Those Motions are usually adopted without a vote. Suspension of the Meeting will end the discussions of that particular item of the Agenda while adjourning means that the discussions will be resumed at a later time. The President can either adjourn or suspend the Meeting at his discretion when there are no more countries on the Speaker's List and no draft documents submitted waiting approval.

Conduct of Business - Informal Consultations

As said, informal consultations do not follow strict rules and procedures, it does not mean that informal consultations are anarchic. Informal consultations are, however, very flexible and this flexibility should be used in order to help the discussions move forward the best way possible. Those informal meetings are called "Arria-formula meetings" after Ambassador Diego Arria of Venezuela that introduced this practice in 1992 and are not officially covered by the UN Charter or any other documentation published by the UN or its subsidiary bodies. It is important to repeat that those informal consultations do not constitute official Council business or activity but the fact that they are taking place is still public knowledge, published daily at the Journal of the United Nations despite the fact that the press has no access to the meeting.

The standard will be to keep following the formal consultation's rules: i.e. the President will chair the session and speakers will be called using the Speaker's List. However, delegates can move to change anything, from the chairperson to the debate mode, as long as it is adopted

by vote. Delegates can decide that the Secretariat will chair that discussion and have it be conducted by show of hands between speeches, for example. In extreme cases, they can suspend all kinds of moderation and conduct their business in a completely unmoderated fashion.

We still have to keep the conduct of business serious. Despite the fact that the Secretariat will be giving up control of the Council to the delegates it will still be in charge. The informal consultations are a tool to facilitate discussions, if the Secretariat judges that the delegates are unwilling or unable to have control of the rules in ways that are positive to the debate we will assume control over the informal consultations and suspend the freedom from the rules and procedures. Delegates who abuse the liberty given during informal consultations can be ejected from the Council by the Secretariat.

Point of Order

A *point of order* can be raised at any time during a meeting, even in the middle of a speech, to state that there has been a breach of order or to seek clarification on any procedural aspects of the meeting. After being raised, the President must decide immediately on the matter. If a Member doesn't agree to the ruling of the President, he can then *challenge the President*, who will then have to put the matter to voting. A point of order has precedence over any other matter, including procedural motions, which we will see next.

Motions

To move for a motion a delegate needs to simply signal the President who will then recognize the Member to express his wishes. There are two types of motions in the Council: procedural motions and substantive motions. After the motion is raised by a member, the President will evaluate if the motion is in order. If it is, the President will then proceed to vote on it. If the President considers the motion not in order and still the delegate wishes to push on the matter, he can then *challenge the President* that will present the motion to the Council who will then decide if the motion is in order or not.

Procedural motions, which has been also known as "motions of order", is considered a decision by the council in a procedural matter. The right terminology is simply "motion". Procedural motions do not need to be put down in writing, in other words, they are made orally. Procedural votes require 9 (nine) affirmative votes of the Members. In procedural matters a delegation can only vote in favour or against it. There are no abstentions in procedural matters.

The first motion we will analyse is the *motion to suspend the meeting*. This motion should be used when a Member wishes to suspend the meeting for a certain period of time. When a meeting is suspended that means that the Formal Consultations will not take place during that suspension. In other words, the Rules of Procedure do not apply while the session is suspended. During that period Delegates usually get together to conduct the business through Informal Consultations, so it is in fact a continuation of the meeting. The suspension can also be used by representatives to consult with their capitol, to continue work on a draft resolution and amendment, to seek information on a situation occurring simultaneously to the meeting and many other scenarios. The President can evoke to suspend the meeting without any delegation requiring such, but he must first ask if there are any objections to such.

Motion to adjourn the meeting can be used to postpone the meeting. This is known as adjournment *sine die* or simple adjournment, because there is no assignment for a future date for the meeting. If a Delegate wishes to postpone but also establish when that meeting will resume, then the Member needs to raise a *motion to adjourn the meeting to a certain day or hour*. One must pay attention that this Motion is not the same as the *motion to postpone discussion of the question to a certain day or indefinitely*. On the latter, the Motion regards to the topic/subject that the Council is discussing at the moment which was adopted in the Agenda, while the first verses over the actual meeting, in other words, when the Council will convene.

Motions for suspension or the adjournment of the meeting will be decided without debate. That means that the President, after deciding if the motion is in order, proceeds to voting. No Member state can/needs to make a speech in regards to the procedural matter.

Motion to refer any matter to a committee, to the Secretary-General or to a rapporteur is when the Council wishes for any of the ones mentioned to manifest in a specified question. The Council will then appoint to whom the matter will be presented so that the report can be submitted to the appreciation of the Council. Important to point out that this rule is not limited to subsidiary organs of the Council

Motion to introduce an amendment can be raised whenever a Member wishes to present to the Council an amendment so that it can be acknowledged by the organ and, consequently, debated. Important to point out that this is a procedural matter. So this motion simply serves to present the amendment to the Council, not to vote on the amendment. The latter is a substantive motion and as such will follow another procedure.

Motions have an order of appreciation. The following motions have precedence over all principal motions and draft resolutions relative to the subject before the meeting:

1. To suspend the meeting;

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

The Council has since adopted other procedural matters as motions because of their frequent use during the course of the meetings, as recorded in the *Repertoire of the Practice of the Security Council*. They are:

- Inclusion of items in the agenda
- Order of items on the agenda
- Deferment of consideration of items on the agenda
- Removal of an item from the list of matters of which the Council is seized
- Rulings of the President
- Invitations to participate
- Conduct of business
- Convocation of an emergency special session of the General Assembly

The first three motions are self-explanatory. They verse over the Agenda, which we have already gone over. Through these motions, the Council can reorganize the Agenda and a Member can use this manoeuvre to its advantage. Special consideration must be made in regards to removal of an item from the list of matters of which the Council is seized. Through this motion, the Council can determine which items will continue to be a part of the Secretary-General's communications. Let us try to explain this better. Every week the Secretary-General makes a statement in which he informs the Security Council the matters that are in debate and at what stage this debate is. If the Council does not wish for a certain subject to be included in this statement, it must move for a motion to remove this item¹².

The Rulings of the President motion are in regards to rules 18-20 of the Provisional Rules of Procedure. In this motion, a Member can raise question over the presidency of the Security Council, like, for instance, the temporary cession of the chair by the President in consideration of issues in which his country is directly involved.

The motion to invite a participant to the Council the Members of the Security Council can decide if another delegation or a representative of an organ of the UN or a member of an NGO

¹² See Rule 11 of the Provisional Rules of Procedure.

should be invited to participate in the meeting. Important to remember that even if an outsider is invited, he will only have voting rights over procedural matters and not over substantive ones.

The motion regarding the conduct of business is the most versatile one of the list. Through this motion the Members can ask to modify any procedural matter of the Council. They can ask to modify the way the Speakers List is conducted, the time of speech pre-established, if the session will be closed to non-Members and the press or any other procedural matter in regards to the Council.

Lastly, the motion for convocation of an emergency special session of the General Assembly is when the Security Council requires the General Assembly to convene extraordinary, in other words, when it was not schedule for them to meet. This motion can be used whenever the Council need the General Assembly to debate over a specific matter presented by the Security Council.

These other procedural motions have no precedent over the others and are appreciated in the order they were raised.

Substantive motions or proposals are motions that decide over substantive decisions. They can be motions to propose resolutions, amendments and etc. These motions are known as motions connected to the action phase, that is the phase of the discussion where the Council will deliberate over decisive matters, i.e.: resolutions and amendments. Decisions of the Security Council on substantive matters requires 9 (nine) affirmative votes of the Members with no negative vote from the permanent Members. We will explain more about these motions on the voting procedures.

Other than motions, there are also *suggestions*. Suggestions can be over procedural or substantive matters. They are less formal than a motion and usually over procedural matter. They are not put to vote since they're not a mechanism provided in the Council's Provisional Rules of Procedure and if the President considers it is a matter that must be put to vote, the suggestion needs to be converted to a formal motion or proposal.

Voting

When a voting procedure is under appreciation, a delegation can vote in favour, against or abstain. As said before, substantive matters require 9 (nine) affirmative votes of the members with no negative vote from the permanent Members of the Council. Thus a substantive matter can fail to be adopted if there is a veto or if it doesn't garner sufficient affirmative votes.

In regards to abstentions, one must remember that there are two types of abstentions: obligatory abstention and voluntary abstention. Obligatory abstentions occur when a Member of the Council is also a party in the dispute and thus has to abstain from voting on the matter¹³. On the other hand, a voluntary abstention is when a Member doesn't want to vote in favour nor against the substantive matter. If a Council Member does not wish to participate on the voting procedures, that is, it does not want to cast neither an affirmative, a negative or abstain from voting, the Council will consider his non-participation as an abstention.

If a Member is absent of the voting procedure that does not invalidate the adoption of a resolution, just as long as it reaches de nine affirmative votes with no vote against cast by a Permanent Member.

Besides the regular voting procedure, substantive matters can also be adopted by unanimity, consensus and acclamation. When a resolution is adopted by unanimity it means that a voting procedure occurred and that all Members casted an affirmative vote. When a resolution is adopted by consensus the President will have received confirmation in advance by the Members that the decision has unanimous support and thus a formal voting process is not required. Voting by acclamation usually happens in special occasions such as in tribute to outgoing Secretaries-General. When the vote is by acclamation, the President asks for the Members to cast their vote by standing or through show of hands.

Usually after the voting has begun, there cannot be any interruption except for point of order. However there has been one single precedent that the voting procedures on a draft resolution was interrupted. In this case de delegation used as grounds that the suspension of the meeting was to try to get all Members to reach consensus for the adoption of the draft resolution. The motion was approved by the Council. The episode (in 1961) has never reoccurred again.

The Security Council typically adopts *decisions* through the format of *resolutions*. Rarely has the Council adopted decisions in other formats, but it can happen. In reality, the word resolution doesn't appear in the United Nations Charter. It only mentions the word decision and, because of that, any form of decision can be adopted by the Council. One of those other forms of decision can be a letter by the Council President to the Secretary-General or a statement. In the end, any form of decision made by the Council is valid.

¹³ The interpretation of this rule, present on Article 27(3) of the Charter, regarding when parties to a dispute must abstain, was settled by the International Court of Justice in 1971. It was decided that first the *agenda item* under consideration must be a *dispute* (and there are semantic differences between a dispute and a question, for example), then it must be *officially recognized by the Security Council* as a dispute. Only after that the rule applies and parties are required to abstain. This explains how so many issues directly related to permanent members have been vetoed, there is a prior decision of whether or not the issue is a dispute that can be vetoed.

Although that is true, the Council must evaluate the political weight and practical matters when deciding the format of the decision they will make. That's why the Council usually adopts the form of a resolution to transmit its officials' decisions. But just because of this perception, other forms of decision such as presidential statements, letters by the President or Notes by the President aren't in any way less forceful nor binding. Actually the latter three formats mentioned require consensus of the Council. So, to sum it up, there's no such thing as hierarchy in formats of decisions.

Resolutions

As mentioned previously, usually the Council adopts the format of *resolutions* to express the decisions they make. Before a resolution is adopted, it is referred to as a *proposal* according to the Council's Provisional Rules of Procedure, or as commonly known as draft resolution.

A proposal has no document symbol nor official status. The Member of the Council who drafted the proposal is known as the *penholder*, *lead country*, *sponsor* or *mover* and can have other collaborators, Members and non-members, who are called a *Group of Friends* or *co-sponsors*. The draft resolution can also be made by the President and even the Secretariat on rare occasions.

During the course of the debate, the sponsor(s), noting that the proposal has reached an agreement or that there's no more progress to be made in the debate, will ask that the draft resolution be *put in blue*. They use this term because proposals don't use any symbols nor numbers, but are drafted in blue ink and are marked as *PROVISIONAL*. When a sponsor asked that it means that the draft resolution is ready to be put to vote.

Before a resolution can be put in blue, the Members can propose *amendments*. Amendments are usually made in writing, but can be made orally. They need only one sponsor and, just like the draft resolution, can only be withdrawn before voting procedure begins. If two or more amendments are proposed, the President shall rule on the order they are to be voted on. Normally the amendments are voted accordingly to the substance. So amendments that are furthest removed in substance are voted first and then the next furthest and so on. Whoever if the amendment adds or deletes from the text of a motion or draft resolution, that amendment shall be voted on first.

After the amendments are voted and the draft resolution is put in blue, a Member can raise a *motion to separate voting on paragraphs* of a draft resolution. After raising the motion, the original mover can either accept the motion raised or decline. Movers usually object to this motion

under the allegation that dividing the vote on specific paragraphs can affect the balance of the whole draft resolution. If whoever the mover does not object to the motion, the President can then proceed to voting on the motion. Separate voting on parts of the draft resolution does not imply that the delegate who requested the motion will vote against, or any other Member, but it may simply mean that the delegate wished to register a reservation in regards to that specific matter.

After the vote by parts, the Council can still vote on the resolution as a whole, even if all the paragraphs have been approved or rejected by the Members. This is due because some Member may agree to all paragraphs separately, but as a whole do not agree to the resolution because of context. The same can be said if a Member does not agree to a paragraph but seeing that the resolution as whole is of great value, it will vote in favour of it. In other words, if the motion to separate voting on paragraphs happens, the Council can still decide if it will be necessary a last vote on the draft resolution as whole or if the vote by paragraphs is sufficient.

When a voting procedure is to take place, a Member can request to make a statement before and/or after the vote. For that, the Members must decide beforehand during the consultations if this opportunity will take place since there is no stipulation of it on the Rules of Procedure. This courtesy can also be applied to non-Members and to the Secretary-General. During the statement a Member can say whatever it desires, but usually a Member uses this time to express its satisfaction or dissatisfaction over the draft resolution or the conduct of work.

The mover of the draft resolution can raise a *motion to withdraw the draft resolution* just as long as the draft resolution has not been put to vote. If the original mover withdraws the draft resolution, the Member who seconded it will be invited to become mover and then he can ask for the draft resolution to be put to a vote. However, the mover can also never submit the proposal to a vote. There's no such rule that requires once a draft resolution is presented to the Council that it has to be voted.

If a draft resolution fails to pass, the same draft resolution can be resubmitted to voting. The Rules of Procedure of the Security Council do not require that the text nor the sponsor be changed for the draft resolution to be reconsidered, but it can also happen.