Security Council Open Debate on Working Methods

Tuesday 6 February

Briefing by Ian Martin, Executive Director, Security Council Report

Mr President,

I congratulate you on this prompt fulfilment of the commitment Kuwait made as a candidate to highlight the improvement of the working methods of the Council.

It is a privilege for Security Council Report to be invited to brief the Council for the first time. The declared mission of our organization is “to advance the transparency and effectiveness of the UN Security Council”. For a little over twelve years now a small team, first headed by a distinguished former permanent representative who had served on this Council, Ambassador Colin Keating of New Zealand, has been able to report publicly and independently on the activities of the Council and its subsidiary bodies, thanks to the cooperation we have received from all its members. This has included following closely both the Council’s discussion of its working methods and their evolution in practice, and the four research reports we have published over these years on working methods have, we hope, made a contribution to institutional memory. The adoption of last year’s Note 507, which represents a further achievement of the sustained efforts of Japan during its successive terms chairing the Informal Working Group on Documentation and Other Procedural Questions, provided a trigger for the most recent of our reports.

Some recent developments in Council practice which are now codified in Note 507 certainly seem to us to be advances in transparency and effectiveness. The move to earlier election of non-permanent members was of course a decision of the General Assembly, but the subsequent decision of the Council to invite newly elected members to earlier observation of Council meetings has been a significant contribution to their ability to prepare for membership. The commitment to earlier designation of the chairs of subsidiary bodies allows for the more effective handover of those responsibilities. The undertaking of informal consultations regarding those appointments jointly by two members – understood to be one elected and one permanent member – rather than designation by the permanent members alone, represented a compromise in negotiations, but some improved recognition of the voice of elected members in the allocation of their responsibilities. Security Council Report seeks to make its own contribution to the preparation of elected members by offering its knowledge and experience – including on working methods - to any and all of them.

Note 507 declares in its first paragraph that the members of the Council “are committed to implementing” the measures in its annex. Yet as one of your then members observed in the last such open debate, “agreements may be reached but then are simply not implemented.” I want therefore to focus on some areas of stated agreement which, in the opinion of Security Council Report, would if implemented contribute significantly to the effectiveness of the Council.

Previous open debates display repeated concern regarding the operation of the penholder system. It is a relatively recent practice, which Security Council Report has witnessed becoming entrenched during our short lifetime, and member states which have returned to the Council after a decade or more of absence have noted the closing down of space for initiatives of elected members. The joint statement of six elected members from six regions in the October 2015 open debate noted that the system “has diminished the opportunity for wider Council engagement, especially by the elected members”, and “cuts across the principle of collective responsibility that underpins the Charter”. Since 2014, Notes of the President have institutionalized it as a recognized if informal arrangement, yet without any process for the Council itself to designate or review penholdership. Note 507 reiterates that any member of the Council may be a penholder, and also that more than one member may act as co-penholders. But in practice three permanent members remain today sole penholders on the overwhelming majority of country situations on the Council’s agenda. Initiatives by elected members – on the humanitarian aspects of the Syrian conflict, on the protection of medical personnel – have shown what they can achieve, but remain all too rare. Co-penholdership would surely be a way of drawing more fully on those who chair the relevant sanctions committee, or have regional or other strong expertise on a country situation.

Closely linked to the penholder system is the manner of negotiations, which Security Council Report observes closely and reports on. The quality of negotiations and their outcomes are of supreme importance to the effectiveness of the Council. The latest Note 507 addresses this more fully than its predecessors. It stresses that drafting should be carried out in an inclusive manner that will allow the participation of all members; that penholders should engage in timely consultation with all members with openness and flexibility; that there should be at least one round of discussions with all members; and that penholders should provide a reasonably sufficient time for consideration by all members. Moreover, there should be informal consultation in an early manner with the broader membership.

This might seem an obvious statement of good practice, but it is far from being the reality we have often observed. As one of your then members described it in your last open debate,

“Penholders routinely take zero drafts straight to meetings of so-called experts. This precludes any real effort at building genuine consensus on the key policy questions to be considered. Non-penholders have to choose between accepting a text largely as presented, or risk being accused of torpedoing important documents if they wish to make substantive policy proposals. Those practices are neither effective, sustainable nor respectful of the perspectives of other Council members.”

2016 saw the greatest-ever number of non-consensual resolutions in the post-Cold War period, and in some cases this explicitly reflected not just political differences but unhappiness with the negotiating process. In 2017, other than the high number of vetoes – the highest since 1988 – the Council achieved greater unanimity, and it is to be hoped that this reflected better negotiating practice.

The quality of negotiations is never more important than when the Council is adopting or revising the mandate of a peace operation, and in this context troop- and police-contributing countries have a special stake. Our most recent report tracks the long history of efforts to improve the Council’s engagement with such countries which began as far back as 1994. It is depressing to me, as a former member of the High-level Independent Panel on UN Peace Operations, to contrast the repeated commitments to enhanced interaction over two decades with what our report described as a lack of effective dialogue generating frustration on all sides and affecting mandate implementation. Given the Council’s current focus on strategic reviews of peace operations, and the serious crises faced today by so many operations, there could not be a more important time for the Council to give effect to the commitments made again in Note 507 to timely consultations, information-sharing and more interactive and focused informal consultations between Council members, the Secretariat and troop- and police-contributing countries.

Note 507 seeks to encourage in a number of ways information from the Secretariat being presented in the most helpful manner, and greater interaction with its briefers. However, during the negotiations of the Note, members were unable to agree on a reference to situational awareness briefings, the most recent effort to find an appropriate format for the Council to receive early warning of situations which may require its consideration. At a time when the Council and the Secretary-General are focused on the prevention of conflict, it seems important that Council members should reach agreement among themselves and with the Secretariat on how the Council wishes to be kept well informed, and thus to be ready to engage promptly on emerging threats to peace and security.

For several years now, Security Council Report has had the privilege of accompanying almost all Council missions, and informing the wider membership about them in real time. This experience makes us firm believers in the value they can have, in their impact both on interlocutors and on the Council’s own understanding of situations it is addressing. I have a more personal appreciation going further back, to 1999, when as Special Representative in what was then East Timor I received five members of the Council on its first mission for five years in a UN compound under siege during post-ballot violence – a mission which played an important role in obtaining Indonesia’s invitation for international assistance to restore security. With five missions in both 2016 and 2017, the Council itself is clearly convinced of their value, and this could surely be enhanced not just by the standard formulation of terms of reference and subsequent briefing as described in Note 507, but by more strategic prior discussion of the objectives around which the Council can unite, and subsequent discussion of the follow-up.

There are many other aspects of working methods that I cannot take more time to discuss. We made suggestions for greater synergy in the relationship between the Council and the Peacebuilding Commission in another of our recent reports, consistent with but going beyond the general importance of communication and interaction enshrined in Note 507. And perhaps this is a good way to end: by emphasizing that successive Notes 507 have been valuable codifications of existing agreements regarding Council practice; but advances in that practice depend on the constant creativity and initiative of members of the Council. We have described in our most recent report how elected members and the wider membership have contributed to past developments, and I trust that this open debate will give impetus to further developments in the transparency and effectiveness of this Council.

Thank you, Mr President.