



# SECURITY COUNCIL REPORT UPDATE REPORT



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## Security Council Working Methods

### Expected Council Action

The Council will hold an open debate to discuss Council working methods on 27 August. The debate is expected to provide an opportunity to discuss implementation of its most recent decisions on working methods. (Most of these are set out in a Council presidential note S/2006/507 of July 2006.) It is also likely that some outstanding issues, on which agreement was not reached in 2006, will be raised by concerned member states.

The debate is being held in response to a request of the so called Group of Small Five (S5), Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland, (S/2008/418).

Aspects of Council working methods and practices which seem to continue to trouble states both inside and outside the Council include:

- Improved format of meetings (especially for Council members);
- Ongoing concerns about transparency;
- More effective opportunities for participation by countries who are parties to issues before the Council or specially affected by them; and
- Reenergised processes for input by Troop Contributing Countries (TCC).

The Secretary-General will be present and many member states are expected to participate.

No formal outcome in the sense of a resolution or presidential statement is expected. But it seems likely that the debate and conclusions drawn from it will feed into and assist the Council Working Group on Documentation and Other Procedural Questions under the Chairmanship of Ambassador Ricardo Arias of Panama.

### Key Developments

The August debate marks the first time since 1994 that the Council has discussed in public, with the participation of the UN membership at large, the full range of issues relating to reform of its working methods.

In fact, the Council's working methods have evolved since the early 1990s. (For more detail, please refer to our Special Research Report of 18 October 2007: *Security Council Transparency, Legitimacy and Effectiveness: Efforts to Reform Council Working Methods 1993 – 2007.*)

The interest of member states in Council working methods has increased in recent years. During the Cold War period there was little incentive for the Council to modify its working methods or to become more transparent and have more interaction with the membership at large. But starting in the early 1990s, interest developed rapidly as the Council became much more active and productive and its importance on the international scene grew dramatically. The enhanced Council activity produced requirements to implement sanctions regimes, and demands for troop contributions to peacekeeping operations. As a result, the wider membership of the UN began to express an interest in a more efficient and effective Council and argued that this goal would be greatly enhanced by more transparency and better methods for input that would enable their interests and concerns to be taken into account.

In the course of more than a decade, the Council made progressive changes to its working methods and practices. Some of them were necessitated by the growth in the workload, but many also had to do with better interaction of the Council with the UN membership and the UN system at large and in particular by addressing some of the transparency concerns. However, a high level of dissatisfaction remained and, in 2005, this was reflected in the World Summit Outcome document as follows:

*108. We call upon the Security Council, with the support of the Secretary-General, to improve its monitoring of the implementation and effects of sanctions, to ensure that sanctions are implemented in an accountable manner, to review regularly the results of such monitoring and to develop a mechanism to address special economic problems arising from the application of sanctions in accordance with the Charter.*

*109. We also call upon the Security Council, with the support of the Secretary-General, to ensure that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them, as well as for granting humanitarian exemptions.*

*154. We recommend that the Security Council 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.*

*178. We request the Security Council to consider the composition, mandate and working methods of the Military Staff Committee.*

The S5 came together to cooperate on the issue of the Security Council working methods in late 2005. In part the formation of this group was encouraged by the recommendations of the World Summit.

In March 2006 the S5 circulated a draft General Assembly resolution (A/60/L.49) with 19 suggestions concerning:

- the relationship between the General Assembly and the Council, in particular, where decisions by the Council require implementation by all member states, taking into account their views and ability to implement decisions in Council's decision making process;
- enhancing relations with regional organisations;
- better and more effective integration of new members of the Council;
- the relationship of Council subsidiary bodies with members at large and impact of sanctions on membership at large; and
- better interaction between the Council and troop contributors through enhanced consultations, especially when they involve risks for personnel deployed.

The S5 draft was not put to the vote at that time—in part it seems because the sponsors wanted to await the outcome of discussions which had begun in the Council following up on the World Summit decisions. While the Council never formally discussed the S5 proposals, in hindsight it seems that they played a role in encouraging the Council to support a Japanese initiative on working methods which led to a range of issues being taken up by the Working Group on Documentation and Other Procedural Questions. (Some of the recommendations in the S5 draft resolution are reflected in—and perhaps served as an inspiration for—portions of the July 2006 note.)

In 2006, the Council's Working Group intensified its activity. Japan was appointed as the ongoing chair of the group. (Previously the chairmanship had rotated each month in sync with the Council presidency.) Under Japan's leadership the group decided to systematise, clarify and develop a number of the existing practices and past commitments regarding working methods—especially regarding transparency. Over a period of several months a document was negotiated bringing together in one place some 63 points having to do with issues such as the agenda, types of meetings, subsidiary bodies, communications with the outside, or circulation of documents, among others. This document was annexed to a Presidential Note which was approved by the Council and issued on 19 July 2006.

In the Note, the Council stated that:

*“In efforts to enhance the efficiency and transparency of the Council's work, as well as interaction and dialogue with non-Council members, the members of the Security Council are committed to implementing the measures described in the annex to the present note.”*

The Note also said that members would continue their consideration of documentation and other procedural questions.

More recently, activities of the Working Group have largely focused on achieving implementation of measures agreed upon on in the July 2006 Note. In 2007, under the leadership of Slovakia, the Working Group held regular meetings and addressed different sets of issues dealt with in the Note. It also devoted a considerable amount of energy to work with the Secretariat to improve cooperation and assistance needed in order to implement these new commitments.

In December 2007, Slovakia suggested holding of an open meeting on Council working methods. At the time, there was no consensus among Council members on such a meeting. Instead it was agreed that an Arria formula meeting should be held. Three diplomats (including a representative of the S5 and two former Ambassadors with past experience in the Council) were invited to make presentations. Council members focused largely on Council interaction with other actors, such as the General Assembly, the TCC, regional groups and organisations, the Secretariat, and the UN system more broadly. These proceedings were summarised in document S/2007/784.

Also in December 2007, the Council, in another presidential note (S/2007/749), reaffirmed its commitment to enhancing the efficiency and transparency of its work as well interaction with the relevant UN bodies and membership at large.

In 2008 the Chair of the Working Group was assumed by Ambassador Ricardo Arias of Panama and a range of initiatives have been under discussion in the Working Group.

## Key Issues

In its concept paper (S/2008/528), the Belgian Presidency stressed that the purpose of the open debate is to assess the implementation of presidential note S/2006/507 and in particular to focus on three areas: efficiency, transparency and interaction, identifying both the improvements achieved as well as the challenges that still need to be tackled.

The concept paper identifies areas of working methods with particular impact on the membership at large where challenges remain. These include the need for striking a better balance between the often necessary private consultations and the commitment to conduct more public meetings as well as the desirability of providing clear rationale for the usage of a particular format for a particular meeting.

Furthermore, while stressing some progress on involving member states particularly interested in or affected by specific situations on the Council agenda in discussions of these situations, the paper acknowledges that problems remain in areas such as consultations on drafting Council resolutions, presidential statements or press statements. The concept paper discusses the commitment in paragraph 29 of the 2006 presidential note to invite the concerned countries to take the floor before Council members. It notes that while immediately after the issuance of the 2006 Note, Council members tended to speak first in the majority of such meetings, this trend has been reversed during the first six months of 2008. In 34 such meetings, Council members spoke first only on nine occasions.

Issues which are important to non-Council members seem likely to include:

- willingness of the Council to seek effective input from the wider UN membership on decisions whose implementation involve and/or affect broader interests;
- Improving interaction between member states and the Council's subsidiary bodies, in particular its sanctions committees. In this vein, making sure that all meetings of subsidiary bodies are announced in the UN Journal is an issue. (Chairs of subsidiary bodies do brief non-members from time to time, but those that are particularly interested or affected want to be regularly invited to participate appropriately in committees' meetings, including for instance the CTC.)
- Making interaction with TCC more meaningful. In particular, TCC are seeking substantive meetings with enough time provided and held regularly at early stages of consideration of a matter. Moreover, many TCC are interested in an appropriate form of participation in meetings of the Council Working Group on Peacekeeping.
- Better input to the decision-making process for deciding on the format for a particular Council meeting is also an issue of concern. Currently the process is not transparent and is not accessible in any meaningful way to non-Council members. This is of particular concern to those with substantive issues at stake who would like a predictable process of consultation, a publicly expressed rationale for the format chosen, early notification if a meeting is going to be public, and in particular, early notification of open debates to allow for preparation and thus meaningful participation of the membership at large.
- An important issue in terms of impact and potential follow-up will be for member states participating in the debate to identify specific recommendations to address the perceived shortcomings.

Finally, the question of effectiveness is a key issue. For many Council members the question is whether new proposals will make the Council more effective. Many seem to see the status quo as

actually contributing to inefficiency and ineffectiveness. Others are concerned, however, that new ideas will increase workloads and, in the short term at least, reduce productivity.

## **Options**

A formal outcome in the sense of a resolution or PRST is an option, but unlikely at this stage since the Working Group is not yet ready to provide any recommended language. Moreover, the issues are complex and will require careful negotiation, and there is not really any prospect of completing anything substantive during August.

An alternative option is a procedural outcome—in effect a decision by the Council members to give renewed support to the Working Group and to meet again by the end of 2008.

A third option is for the President—after consultations with Council members—to conclude the debate by indicating that:

- Council members welcome the input and constructive ideas from participants in the debate;
- the debate and the wider input should be taken up by the Working Group with a view to it recommending substantive measures to the Council before the end of 2008;
- the Council will schedule—at a suitable time before the end of 2008—a meeting of the Council at which the Chair of the Working Group can brief the Council and the wider UN membership on its recommendations, and after that the Council will deliberate on the recommendations taking into account any further views from interested member states.

An additional further option would be for Council members to begin work toward a presidential statement that would reflect recent progress and commitments made during the open debate to be adopted at a later time.

## **Council Dynamics**

Some P5 members have argued over the years that the Council has exclusive responsibility to discuss its working methods and that it alone should drive any changes in its methods and practices. Others have argued that the status quo optimises Council efficiency and that many of the proposed reforms of working methods would simply reduce output and efficiency.

By virtue of their continuing presence on the Council, the P5 have had historically the most prominent role in shaping the working methods. Some more than others, have defended the status quo. But it is important to note that at times some of the P-5 have shown considerable creativity not only in wanting to streamline the Council's work and make it more efficient but also in a concerted effort to make the Council more responsive to the needs and concerns of UN membership at large. For example, the UK played a leading role in introducing and keeping alive several transparency-related innovations, such as briefings by the presidency. France was the driving force behind a number of initiatives in the 1990s and more recently an important French contribution is the development of working methods of the Working Group on Children and Armed Conflict. The US has demonstrated support for involvement of NGOs and in the development of the Arria formula. Russia has in the past been reluctant to focus energy on issues which might intensify the workload of Council members, but it too has seen the need for various reforms and was responsible for putting on the agenda the issue of reform and reenergising the Military Staff Committee.

The elected members' collective contribution to the evolution of the working methods has been considerable, although the level of engagement and interest on behalf of individual members has varied over the years. Several of the successful initiatives aimed at reforming specific areas of Council working methods have been guided by elected members, at times a succession of them.

In the last three years Japan, Slovakia and Panama played a leading role in the Informal Working Group. Recently Costa Rica has also been a leading supporter of reform of Council Working methods.

## UN Documents

<b>Selected Notes of the President of the Security Council</b>
<ul style="list-style-type: none"> <li>• S/2007/749 (19 December 2007) was the Note in which the Council reaffirmed its commitment to enhancing the efficiency and transparency of its work and listed additional measures the Council agreed on in 2007 and committed itself to implement.</li> <li>• S/2006/928 (21 November 2006) requested that the Secretariat provide an updated version of the descriptive index of notes and statements by the Council president relating to documentation and procedure.</li> <li>• S/2006/507 (19 July 2006) described the outcome of the six months of work of the Informal Working Group in 2006 under the leadership of Japan.</li> <li>• S/2006/78 (7 February 2006) contained the updated descriptive index of notes and statements by the Council president relating to documentation and procedure.</li> </ul>
<b>Selected Letters</b>
<ul style="list-style-type: none"> <li>• S/2008/528 (4 August 2008) was the concept paper by the Belgian Presidency for the open debate on implementing the presidential note S/2006/507.</li> <li>• S/2008/418 (20 June 2008) was the letter from the Permanent Representative of Switzerland to the President of the Security Council on behalf of the S-5 requesting a meeting on the topic of working methods to which all interested member states would be invited.</li> <li>• S/2007/784 (31 December 2007) was the letter from the Permanent Representative of Slovakia to the President of the Security Council summarising the 13 December 2007 Arria formula meeting on "Enhancing and widening interaction and dialogue between the Security Council and other United Nations Member States, as part of the implementation of the 2005 World Summit Outcome Document."</li> </ul>
<b>Selected Council Meeting Record</b>
<ul style="list-style-type: none"> <li>• S/PV. 3483 (16 December 1994) was the first open debate on Security Council working methods.</li> </ul>
<b>Other</b>
<ul style="list-style-type: none"> <li>• A/60/L.49 (17 March 2006) was the draft resolution on improving the working methods of the Security Council submitted by the S5.</li> <li>• A/RES/60/1 (16 September 2005) was the outcome document of the 2005 World Summit.</li> </ul>

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