



# Security Council

Sixty-third year

**5968**<sup>th</sup> meeting

Wednesday, 27 August 2008, 3 p.m.

New York

*Provisional*

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<i>President:</i>	Mr. Grauls . . . . .	(Belgium)
<i>Members:</i>	Burkina Faso . . . . .	Mr. Koudougou
	China . . . . .	Mr. Li Kexin
	Costa Rica . . . . .	Mr. Urbina
	Croatia . . . . .	Mr. Skračić
	France . . . . .	Mr. Renié
	Indonesia . . . . .	Mr. Natalegawa
	Italy . . . . .	Mr. Mantovani
	Libyan Arab Jamahiriya . . . . .	Mr. Elgannas
	Panama . . . . .	Mr. Arias
	Russian Federation . . . . .	Ms. Donova
	South Africa . . . . .	Mr. Laher
	United Kingdom of Great Britain and Northern Ireland . . . . .	Ms. Fawcett
	United States of America . . . . .	Ms. Willson
	Viet Nam . . . . .	Mr. Bui The Giang

## Agenda

Implementation of the note by the President of the Security Council (S/2006/507)

Letter dated 4 August 2008 from the Permanent Representative of Belgium to the United Nations addressed to the Secretary-General

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*The meeting resumed at 3.15 p.m.*

**The President** (*spoke in French*): I should like to inform the Council that I have just received a letter from the representative of Poland, in which he asks to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

*At the invitation of the President, Mr. Herczyński (Poland) took a seat at the side of the Council Chamber.*

**The President** (*spoke in French*): In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the text in writing and to deliver a condensed version when speaking in the Chamber.

The next speaker on my list is the representative of Egypt, to whom I give the floor.

**Mr. Abdelaziz** (Egypt) (*spoke in Arabic*): At the outset, I would like to extend my thanks to the Member States of the group of five small countries (S5) for their initiative to request the convening of a special meeting of the Security Council to discuss the progress achieved in the implementation of the measures set out in the annex to the note of the President of the Security Council contained in document S/2006/507 of 19 July 2006. I would like also to thank you, Mr. President, for preparing the concept paper dated 4 August 2008 which helps direct the discussion towards a purposeful evaluation that might lead to the adoption of specific measures. I would like in this regard to express our support for the statement made by Cuba on behalf of the Member States of the Non-Aligned Movement.

There is no doubt whatsoever that the central starting point in any effort to promote the efficiency of the Security Council is to enhance the transparency and accountability of its work, with a view to guaranteeing that the Council carry out the mandates given to it by

the Member States of this Organization and to treating permanent and non-permanent members equally, as they have been elected not to protect their national interests but to protect the international and regional interests of the general membership of the Organization as a whole.

There is also no doubt that today's debate is inextricably linked to the work of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council. The subject of reform of the Council's working methods is a main part of the Open-ended Working Group's activities, along with the expansion in the permanent and non-permanent categories of membership in the Council, guaranteeing that the new permanent members are accorded the veto right on an equal footing with current permanent members.

While we welcome the series of notes issued by the Security Council Informal Working Group on Documentation and Other Procedural Questions, we must candidly admit that the measures contained therein do not meet the expectations of Member States, as those measures constitute compromises agreed to by non-permanent Member States in order to show what can be called Council unity. Therefore, the revision of these measures, as proposed in the report under discussion today, does not convince us that such a revision constitutes the final word in the institutional handling of the issue. Rather, the proposed revision stands as an insufficient preliminary step that needs further evaluation and strengthening.

Reform of the working methods of the Security Council should be based on the inevitability of achieving real balance in power among Council members, particularly between the permanent and non-permanent members. Furthermore, the time has come for an agreement on permanent rules of procedure to replace the current provisional rules, which have been in force for more than 60 years, namely, since the establishment of the Organization.

Furthermore, the Informal Working Group dealing with this important subject in the Council should be transformed into a formal working group that would adopt official bold procedures to consolidate the concepts of equality among countries and of justice in dealing with their issues, enhance transparency,

increase interaction and promote efficiency. There is no doubt that the Open-ended Working Group of the General Assembly will remain the most appropriate forum to deal with this matter in a democratic manner, as the Assembly encompasses all Members of the Organization.

Egypt is convinced that the starting point in reforming the Council's working methods is for the Council to refrain from exceeding the mandates entrusted to it under the Charter of the United Nations. The Council should stop encroaching on subjects falling squarely within the core competence of the Organization's other main organs, particularly the General Assembly and the Economic and Social Council, under the pretext of dealing with the security aspects of those subjects or by attempting to give a false impression that the subject matter under consideration gives rise to a threat to international peace and security. This issue stresses the importance of revisiting the relationship between the Security Council and the other principal organs of the Organization for the purposes of restoring the institutional balance between them that is clearly outlined in the Charter. In this regard, the International Court of Justice has a major role to play in settling any dispute that might arise between organs with respect to their mandates.

Moreover, Security Council respect for objectivity, as well as its obligation to avoid selectivity, double standards or politicization, constitutes some of the main keys to achieving real reform in the working methods of the Council. This notion could find its practical application in giving concerned countries the opportunity to attend informal Council consultations on the same footing as that afforded representatives of the Secretary General, and giving them and the regional organizations the chance to participate in Council negotiations that might have an impact on them. Concerned countries should also be allowed to participate in the evaluation of the implementation of Council resolutions that affect them as well as in the examination of reasons why that implementation might be hindered. Such an assessment should be included in the annual report prepared by the Council and submitted to the General Assembly. That report, which is currently of a narrative character, must be made more analytical and explanatory as regards positions on the various issues being dealt with by the Council. It must also include the reasons for the Council's

refraining from certain actions and for its inability to take decisive action in certain situations, in particular those related to the maintenance of international peace and security. Moreover, the report must include explanations for the Council's various responses vis-à-vis its resolutions, presidential and press statements and reports, including the criteria followed by the Council in deciding how to respond.

The working methods of the Council will not be reformed unless we effectively address the misuse of the right of veto and take the necessary measures to restrict and rationalize its use until it is eliminated altogether. That should be done in order to halt its misuse, putting pressure on concerned countries to accept specific solutions and preventing the Council from acting in certain cases. It should also be done in order to prevent the veto from being used in cases of proven genocide, crimes against humanity and grave violations of international humanitarian law, as well as in efforts to halt hostilities between warring parties. Pending its elimination, all new permanent members in an expanded Security Council must enjoy the right of veto, in particular new members from the African continent. Those countries have experienced historical injustice owing to the fact that they have not been represented in the permanent category.

Past experience has shown the growing role that can be played by regional groups and organizations — especially the African Union, the League of Arab States and the Organization of Islamic Conference — in support of the Security Council in carrying out its duties. During its presidency of the Peace and Security Council of the African Union in December 2006, Egypt put forward an initiative to establish a coordination and consultation mechanism between the Security Council and the African Union Peace and Security Council. That important initiative, which was welcomed and is currently being implemented, could serve as a groundbreaking model to widen the scope of coordination so as to include other regional groups and organizations that play an important role in maintaining international peace and security.

In conclusion, our debate today is an important step towards reaching agreement on measures needed to reform the working methods of the Security Council. There have been several worthwhile efforts in that regard. The most recent of those was General Assembly draft resolution A/60/L.49, which was submitted by the group of five small nations in March 2006. That was a good

attempt, despite the fact that the draft resolution did not fully meet the aspirations of Member States with regard to this issue. In addition to the draft resolution, hundreds of other proposals have been put forward on the same subject. What is missing is not additional proposals or evaluations, but more political will on the part of permanent and non-permanent members of the Council alike to achieve real reform of the Security Council. That reform must also encompass the five main areas being dealt with by the Open-ended Working Group — namely, membership, the right of veto, regional representation, the size of an enlarged Security Council and the reform of the working methods of the Council — so as to be able to achieve a comprehensive agreement on all aspects of the Council's reform in order to make it more effective, transparent and capable of achieving the aspirations of Member States in a world that is stable and peaceful.

**The President** (*spoke in French*): I now give the floor to the representative of Kazakhstan.

**Ms. Aitimova** (Kazakhstan): My delegation would like to express its appreciation to the President of the Security Council and Permanent Representative of Belgium for this opportunity to engage in an open discussion of the nature and operational effectiveness of the Security Council and its cooperation with States that are not members of the Council.

We are pleased to note that there has been some progress in improving the Council's working methods. The recent debate in the General Assembly of the Security Council's annual report to the Assembly, which was presented by the Permanent Representative of Viet Nam, was an unprecedented and historic step in improving the cooperation of the Council with non-members of the Council.

We, the members of the international community, continue to support the Security Council in carrying out its major function of maintaining peace and security, which has been assigned to it by the Charter. We are entitled to expect greater effectiveness from the Council in that area. However, the Security Council's effectiveness problem continues to be in the world's spotlight. Today, we are seeing how frequently the Security Council fails to adequately react to serious challenges that directly threaten international peace and security. The Council has repeatedly shown itself to be unable to agree on press statements, let alone on the development of a common position on certain topics of critical importance to the entire international

community. Against that backdrop, one gets the impression that problems evidently exist within the Security Council itself, as well as with its working methods. The issue of drastic and prompt reform of the Security Council is therefore a pressing one.

As long as the Council is unable to find common ground in its approaches to certain debatable issues, the world will continue to face military conflicts that are followed by tragic humanitarian consequences. In such cases we should perhaps consider strengthening the cooperation mechanism between the General Assembly and the Security Council. By definition, the General Assembly is a more democratic body that represents the interests of all Member States. In particular, the most crucial disputes to have gone unresolved in the Security Council could be discussed in the General Assembly in order to at least clarify the opinions and positions of the majority of the international community on critical issues, so that those views can be considered during the adoption of Security Council resolutions.

We should acknowledge that the number of open meetings of the Security Council has recently increased, while the number of closed sessions has decreased. Yet the transparency of such meetings leaves much to be desired. For example, States that are not members of the Security Council are forced to spend more time searching for information in any way they can. As a result, they learn either too late or not at all about closed consultations. Every so often, information becomes partially available from interviews of Security Council members given to journalists who cover the proceedings of the Council for the general public.

We non-member States of the Security Council have the right to know first-hand what are the possible decisions being discussed within the Council and what are the positions of each Council member on current issues, and should not have to find this out through the prism of the mass media. Complete knowledge of the nature of internal developments in the Council, which are important for the entire international community, are of critical importance for our Governments, which depend upon objective information in adopting decisions. As concerned members of the international community, we believe that we have the right to be informed. In that connection, regular analysis of positions, especially those of the elected members of the Security Council, will assist us in drawing conclusions as regards providing future support only to

States that are capable of being responsible for the maintenance of peace and security.

We believe that that approach will strengthen the authority of the Security Council, increase the public's trust in it and contribute to the Council's effective fulfilment of its major function of maintaining international peace and security.

**The President** (*spoke in French*): I now give the floor to the representative of Belarus.

**Mr. Dapkiunas** (Belarus) (*spoke in Russian*): At the outset, I would like to express my gratitude to you, Mr. President, for your initiative to hold this debate. We believe that such a step required political resolve and professional daring. Document S/2006/507 was a milestone in improving the working methods of the Security Council and, above all, in increasing its transparency. Every good initiative must have someone promoting it. Without that, even the most promising ideas can fade away before they produce results. We would therefore also like to express our gratitude to the delegation of Japan for its initiative, as well as to recognize its particular role in improving the working methods of the Council.

That document is clearly useful from the point of view of practicality. Since its adoption, we have seen positive changes in the work of the Council. At the same time, though, we do see a need and an opportunity for further improvement in the internal working methods of the Security Council.

In that regard, my delegation has two practical proposals. First, we propose providing for, in addition to what exists, a new format of meetings, one that is closed to the press and NGOs but is open to delegations. It is not always possible to inform delegations of the time and format of a Council meeting in time for them to prepare written communications requesting to participate. That new format would be particularly useful in the case of urgent meetings, in which, in fact, Member States are particularly interested. Enabling all interested delegations to participate without the need for additional written communications would also remove the concern of Member States over selective information with respect to meetings being planned.

Secondly, we propose separating in time open meetings of the Council and the adoption of decisions on their outcomes. The current practice of organizing

open meetings does not even provide for the formal opportunity to take into account the viewpoints expressed during the discussions. Documents on the outcomes of open meetings are prepared ahead of those meetings and are adopted immediately, without any adjustments based on the results of the discussion. Essentially, States that are not Council members have the right to address the Council but, in theory, no opportunity to have any impact on a decision of the Council. Additional work within the Council, based on the outcomes of open meetings, could reflect the results of the discussion and ideas specific to the initiatives in the documents of the Council; it would provide genuine, and not just nominal, evidence of the Council's greater openness.

As was noted in the statement by the representative of Cuba on behalf of the Movement of Non-Aligned Countries, which we fully support, the issue of the working methods of the Security Council goes beyond the framework of establishing an internal working method and steps to work openly. An important component of the working methods is also the means to determine the area of responsibility and a mechanism by which decisions are taken. A key prerequisite for improving the work of the Council is to establish within it an atmosphere of self-discipline and responsibility in terms of defining the competencies of the Council. That has to do with establishing an environment, in which Council members agree that they are simply not entitled to hold a formal or informal discussion on the situation in a Member State or on other issues where there is no direct threat to international peace and security.

Lastly is the avoidance of double standards in decision-making — regardless of whether it occurs consciously or not. We need to avoid hasty or incomplete assessments when we should meticulously seek the truth and compromise, and we need to avoid the demonization of opponents. That would certainly enhance the role of the Council in resolving international conflicts and would serve to enhance the effectiveness of its efforts. When working out and adopting decisions, it is important that they be genuine and not just words, and that they take into account the views and concerns of all Member States, be they rank-and-file members of the General Assembly or permanent members of the Council, and particularly Members whose interests are directly affected.

Non-permanent Council members play a particular role in ensuring the most effective, honest and impartial analysis of pressing international issues. As was shown by the Council's work during the events in the hot month of August, it is the action or inaction of non-permanent Council members as a kind of jury or independent arbiters, in particular in a situation where there is no agreement among permanent members, that is the key to whether the Council will be able fully, impartially and objectively to carry out its functions or not.

**The President** (*spoke in French*): I now give the floor to the representative of Germany.

**Mr. Ney** (Germany): Let me express my gratitude to you, Mr. President, for convening and preparing this useful debate during your presidency. Your recent concept paper (S/2008/528), in particular, has been very helpful and merits our praise. It provides a concise overview of where the Council stands in its efforts to implement the 63 measures set out more than two years ago. We also fully support the approach you have suggested for today's debate, that is to focus on those measures of great interest and relevance to non-Council members in the fields of transparency, interaction and efficiency.

As a staunch proponent of Security Council reform, Germany welcomes the ongoing discussion on the Council's working methods and appreciates the open format that the Belgian presidency has chosen for that purpose. We would also like to thank the group of five small countries — Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland — for their continued commitment to this significant issue.

Let me also thank the former chairs of the Informal Working Group on Documentation and Other Procedural Questions for their efforts, as well as the present chair Ambassador Arias.

As the United Nations increasingly accepts responsibility for conflict resolution around the world, both between and within States, the face of the Council has dramatically changed. Its role has become ever more prominent in recent years. Take but a short look at the tremendous increase in the number of meetings it has held and resolutions it has adopted. Now that the United Nations Member States and the world watch with growing interest, transparency, more than ever, is of paramount importance if the Council is to meet expectations. We, therefore, welcome the progress thus

far achieved in that field. Regular briefings by the presidency to non-Council members at the beginning of each month, for example, nowadays provide a useful forecast of and information about the monthly programme of work. Allow me to remark, Mr. President, that you set a very good example in that respect when you assumed the presidency of the Security Council at the beginning of this month.

With regard to enhanced interaction with and involvement of non-Council members, we strongly support the notion that affected parties should have facilitated access to the Council. That should include first and foremost Member States that have a vested interest in the item on the agenda under discussion, such as major troop-contributing countries and financial contributing countries, for instance. At the next stage, however, it may be fruitful to consider improved access to stakeholders other than Member States as well. Such direct consultations may provide the Council with a sounder basis for and increased legitimacy of its decisions. Interaction should also be strengthened within the United Nations, for example between the Security Council and the Peacebuilding Commission.

It should be noted, however, that such considerations must not undermine efforts to make the working of the Council more efficient. Keeping in mind that statements in public meetings definitely need to be shorter, as you, Mr. President, so aptly pointed out in your concept paper (S/2008/528), I shall limit myself to one more aspect that is central to the German position.

Previous achievements to improve the Council's working methods are laudable, and further efforts are essential in times of the tremendous increase in the prominence of this body. And yet, those efforts cannot be but small steps. Let us not lose sight of our actual goal: comprehensive Security Council reform. Let us continue to regard working methods as one, albeit a significant, aspect in a much wider context. Let us embrace today's debate as an important step in our endeavour to make the Council more transparent, interactive and efficient, but also more legitimate, representative and reflective of today's political realities.

To conclude, let me affirm Germany's strong support for any efforts aimed at improving working methods. They send a clear message by the United

Nations membership that comprehensive Security Council reform is urgently required. Improving working methods alone will not bring about the necessary change. We must address the fundamental issue — the necessity to bring the Security Council in line with the political realities of today's world. If we were to improve working methods without reforming Security Council structures, we would risk increasing the political frustration in large parts of the membership and eroding the authority of the Security Council.

**The President** (*spoke in French*): I now give the floor to the representative of Singapore.

**Mr. Cheok** (Singapore): I too would like to express appreciation to you, Mr. President, for the convening of this open debate in the Security Council. There is always some sensitivity when it comes to discussing the Council's working methods, so we are especially grateful to you for this opportunity. Obviously, my delegation also aligns itself with the statement made by the representative of Switzerland on behalf of the group of five small countries — the S-5 group. That said, I would like to make some additional comments that focus primarily on the question of access.

Let me begin by stressing that the S-5 should not be seen as an adversary. The group's aim is not to grandstand or to undermine the Council; it is the opposite. It is about trying to make the Security Council more consultative and consistent, so as to get more buy-in from non-members. We recognize the Council's crucial role and its grave responsibilities. We also see that the Council has made many positive changes in its working methods, and we are very grateful for that. We can only commend the successive Chairs of the Informal Working Group on Documentation and Other Procedural Questions — Japan, Slovakia and Panama — for their tireless efforts in that regard. The note by the President of the Security Council (S/2006/507) is another example of the Council's engagement on the issue of working methods. But the question is whether the reforms are sufficient and whether they are institutionalized to the point where there can be no backsliding. Naturally, we in the S-5 group feel that the Security Council could go further.

There remain questions of access, many of which have been referred to by previous speakers this morning and this afternoon. States that are primary

protagonists on various issues addressed by the Security Council do not always have the opportunity to speak and express their points of view in Council meetings. And even when it is decided that meetings will be open, those decisions often come so late that States are unable to prepare properly to make substantive contributions to the debate. Perhaps one suggestion would be to establish an agreed time frame for concluding negotiations on the format — ideally, 48 hours before the debate — in order to give involved States the opportunity to prepare.

Questions about access also extend to informal consultations, to which you yourself, Mr. President, previously alluded. I realize that there is sometimes a trade-off between access and efficiency in decision-making, but making informal consultations off limits to all but Council members seems a bit rigid. For example, would Council members not benefit from having the main protagonists on any issue provide their views and even answer questions in informal consultations from time to time? This need not interfere with Council decision-making, because invited countries could be asked to leave before the Council begins its deliberations.

Finally, we have asked repeatedly for a more analytical annual report. But, that is seldom achieved, because, understandably, it is difficult to square the viewpoints of 15 Council members. If an analytical report is not possible, perhaps we could consider a more free-flowing debate on the Council's role over the preceding year. An open debate could be organized in the Security Council to take stock and receive feedback. Member States could make statements on what they considered to have been triumphs and shortcomings. Council members could also give their views. That might expose the Security Council to some criticism, but I think it would also lead to some praise. Ultimately, that is what feedback is about. And if we all behave constructively, this can only increase the sense of buy-in on the part of States that are non-members of the Council, because they will have had a chance to express their views.

Ultimately, we all need to work together to improve the Security Council's working methods. Singapore stands ready to work with and support members of the Council in that regard.

**The President** (*spoke in French*): I now call on the representative of the Philippines.

**Mr. Davide** (Philippines): Because of time limitations, I shall read out only a number of very important portions of the statement of the Philippines. My delegation respectfully requests that the full text be circulated to delegations.

Calls for changes and reforms in the Security Council are becoming louder and stronger. The focus of this open debate is on changes and reforms in the Council's working methods. Many Member States, including the Philippines, believe that this area of Council reform is the least controversial and that it is immediately achievable. Proposals to that end could have been successfully pursued much earlier had they not, unfortunately, been mingled with, or tied to the apron strings of, other Council reform proposals, such as those regarding the question of equitable representation on and increase in the membership of the Security Council or even the issue of the veto power.

Today's open debate sends a clear message that reform of the Security Council's working methods can and should be addressed separately from the other areas of Council reform, which are more complex and complicated. This open debate attests to the Council's acknowledgement that it must come openly into the picture and demonstrate its political will and moral courage to reform its own working methods.

Thus, the Philippines commends and expresses gratitude to the Belgian presidency of the Security Council for holding this open debate during the last week of its mandate, thereby happily ending its stewardship with a historic event. For their special contributions towards reform in this area, which are detailed in the full text of this statement, the Philippines also commends the Security Council and its members, the group of five small countries, Japan, Viet Nam and the Austrian Mission.

There are strong, valid, just and equitable reasons why the Security Council should now decide upon and adopt the needed changes and reforms in its working methods. We must bear in mind and never forget that, pursuant to Article 24 of the Charter, in order to ensure prompt and effective action, Member States have conferred on the Security Council primary responsibility for the maintenance of international peace and security.

The majority view holds that that conferment is a surrender of the sovereignty of Member States; a

minority view holds that it is but a delegation of powers by Member States. It follows that, as of today, 177 Member States have, according to the majority view, surrendered a part of their sovereignty or, according to the minority view, delegated some of their powers to the Security Council for this purpose only: ensuring prompt and effective action in the maintenance of international peace and security. In carrying out its duties in relation to that responsibility, the Security Council is vested with tremendous specific powers under Chapters VI, VII, VIII and XII of the Charter. The enumeration of specific powers does not preclude the exercise of general powers.

All told, and in the light of the decisions, resolutions and actions that it has taken so far in the exercise of its powers, express or implied, the Security Council is described as a legislator, judge and executive in the final report and recommendations from the Austrian Initiative 2004-2008 (S/2008/270, annex). It need not be stressed that, because of those tremendous powers as legislator, judge and executive, the Security Council, either as holder — or, better yet, trustee — of the surrendered part of the sovereignty of Member States or as their delegate and agent for the exercise of that surrendered part, must, in its working methods — now principally condensed into its provisional rules of procedure — strictly adhere to democratic practices and procedures, observe due process and guarantee fairness, justice and equity to all concerned. In other words, as recommended in the final report and recommendations from the Austrian Initiative, it must observe the rule of law in all its proceedings. Among the essential elements of those guiding principles are accountability, fidelity to trust, predictability and transparency.

Thus, in general, the Philippines strongly recommends that those portions of the note by the President of the Security Council (S/2006/507) that relate to those guiding principles and essential elements now be reduced or transformed into concrete and specific rules to be embodied in the Council's provisional rules of procedure. In particular, the Philippines recommends the following specific reform proposals, which necessarily involve changes in or amendments to the provisional rules of procedure.

First, the rules of procedure of the Security Council, which have remained provisional for 62 years, must now cease to be provisional. The word "provisional" in the body of those rules, known as the

provisional rules of procedure of the Security Council, should be deleted. In 62 years, there have been only six revisions to the rules — proof that the rules of procedure have gained a very high degree of permanency. And, if account is taken of the fact that, among the principal United Nations organs, only the Security Council has retained or maintained provisional rules of procedure, one sees that something indeed is amiss. Many may find the provisional character of the 62-year-old rules of procedure of the Security Council to be a conundrum in judicial practice; they cannot divine its logic. In that regard, I concur with the recommendation from the Austrian Initiative that it be part of the Security Council's commitment to the rule of law that it adopt formal rules of procedure, rather than continuing to rely on provisional rules.

Secondly, due process and the rule of law demand that Member States that are not members of the Security Council but are the subjects of the Council's scrutiny should have the right to appear before the Council at all stages of the proceedings concerning them to state or defend their positions on the issues that are the subjects of or are related to that scrutiny. At present, such participation is unfairly limited by rules 37 and 38 of the provisional rules of procedure. Under rule 37, a State Member of the United Nations that is not a member of the Security Council may be invited to participate only as a result of a decision of the Council and only when the Council considers that the interests of that non-member are specially affected or when that non-member brings a matter to the attention of the Council in accordance with Article 35(1) of the Charter. That is a denial of due process, which is a violation of the basic principle of the rule of law. Due process and the rule of law require that a party must be heard before it is condemned.

Then, under rule 38, while any State Member of the United Nations that is invited to participate under rule 37 or in application of Article 32 of the Charter may submit proposals and draft resolutions, these proposals or draft resolutions can be put to a vote only at the request of a representative on the Security Council. If the proponent State has no friends in the Council, the right to make proposals is rendered meaningless, making the proposal or draft resolution an exercise in futility.

Thus, the Philippines recommends that rule 37 be amended to provide that a State Member of the United

Nations that is not a member of the Security Council but which is under its scrutiny has the right to be present and to be heard during all proceedings related to such scrutiny and in any subsequent action that may arise therefrom. Further, the Philippines also recommends that rule 38 be amended to provide that proposals or draft resolutions submitted by such a State be discussed, acted upon and subject to a vote by the Security Council without a prior request from a Council member.

Thirdly, in view of the great increase in the general membership of the United Nations, there is a need for the Security Council to hear the views of that general membership. Hence the Council should increase the number of meetings, including informal meetings, that are open to the general membership at various stages of its consideration of a particular matter. Such an approach will further promote accountability and transparency and tend to invite the general membership's more active cooperation with the Council on the implementation of decisions taken on that matter. Necessary changes resulting from this approach could be set forth in chapter I of the rules of procedure.

Fourthly, in compliance with the requirements stemming from the principles of accountability and transparency, the Security Council should consider the wisdom and propriety of granting the wish of Member States, particularly non-Council members, to receive full information on issues discussed by the Council. Non-Council members expect output documents to faithfully and truly reflect discussions and deliberations in the Council. It has been observed that, as presented now, the annual report is not actually a report in the true meaning of the word. The repertoire of the practice of the Security Council, issued as requested in paragraph 1(b) of General Assembly resolution 686 (VII) (5 December 1952), is useful and a veritable constitutional guide to the proceedings of the Security Council. The Council should look into the way the repertoire is crafted in order to see how information could be presented beyond mere simple documentation.

The Security Council should also consider releasing periodic reports or substantive summaries to the General Assembly on matters the Council is seized with during the course of each year. Periodic reporting would enable the General Assembly and the general

membership to gain a more current appreciation of the status of matters before the Council.

We hope to see the light at the end of the tunnel on the issue of reform of the Security Council's working methods within a reasonable time frame.

**The President** (*spoke in French*): I now give the floor to the representative of Canada.

**Mr. Normandin** (Canada): Mr. President, Canada welcomes the opportunity to address the Security Council on the important issue of its working methods, and I would like to thank you for convening this meeting.

As we all know, the Security Council has a central role in safeguarding international peace and security and in leading collective responses to today's security challenges. With more than 90,000 military, police and civilians deployed in peace support missions worldwide, the decisions of the Security Council affect the daily lives of millions of people. There is therefore a genuine urgency in ensuring that the Security Council is accountable, inclusive and transparent in its decision-making processes.

The President's excellent concept paper has laid out the progress made since the issuance of the note of the President of the Security Council in July 2006 (S/2006/507). Canada welcomes this progress. However, it is also clear that much more work needs to be done.

Regardless of the outcome of the ongoing discussions on expansion of the Security Council, it is a reform of the working methods that will have the greatest impact for most small- and medium-sized States, in particular with regard to the effectiveness of the Council and the legitimacy of its decisions. In this regard, Canada feels that immediate progress is both necessary and possible.

For the vast majority of Member States, of course, membership on the Security Council is a rare occurrence, while the decisions of the Security Council affect us all greatly. While it is clear that each Council member must act in accordance with its national conscience, the wider membership has a legitimate interest in knowing how those decisions are made and in contributing to them as appropriate.

For this reason, we urge the Council to redouble its efforts to enhance transparency through the

increased use of public meetings. We acknowledge that there is occasionally the need for private meetings, for example, if the very resolution of a conflict hinges on discreet and confidential negotiation or consultation. But most meetings, such as briefings provided by the Secretariat, do not need to be conducted in private.

Canada strongly supports the recommendation contained in the President's concept paper that the Council should give a clear explanation of the rationale for the adoption of specific meeting formats and should set forth the objectives for each meeting.

Canada also urges the Council to increase consultations with the broader membership, for example, by making more frequent and systematic use of informal exchanges and by increasing the regularity of substantive briefings for non-Council Member States, including on the work of subsidiary bodies. In particular, consultations with troop-contributing countries and major stakeholders and financial contributors should be strengthened, so that their input can be taken into account prior to the establishment or renewal of a mission.

We would also encourage the Council to expand and deepen the practice of public and open debates, which allows the membership to contribute their perspectives and ideas.

We commend the Council for increasing the number of briefings for Member States over past years, particularly on the monthly programme of work, which has proven to be very useful. However, this practice should become a systematic one and not one that depends on the goodwill of the incumbent presidency.

(*spoke in French*)

The Security Council would also benefit from a serious consideration of the use of the veto. We all know the inhibiting effect that the veto — or even the threat of the veto — can have on Council deliberations. There have been several regrettable occasions in recent years when the spectre of the veto had the effect of dampening debate and delaying much-needed action.

But the veto is not, and was never meant to be, a tool for avoiding debate on certain issues. For that reason, Canada believes that any use of the veto should be publicly explained and justified. We also strongly believe that the veto has no place in deliberations on situations of genocide, crimes against humanity and war crimes. We urge the five permanent members of

the Security Council to commit to voluntary restrictions on its use in those situations.

Given the importance of the issue, Canada hopes that this open debate will not be a stand-alone event. It has been 14 years since the last open debate on Security Council working methods was held, and the membership can not afford to wait that long again.

Canada supports the suggestion put forward by the group of five small countries, that the Security Council Informal Working Group on Documentation and Other Procedural Questions be mandated to undertake a comprehensive review of note of the President of the Security Council (S/2006/507), and that the Working Group present its findings to the Security Council, preferably in an open debate before the end of 2008.

In conclusion, Sir, I would like to thank you again for convening this meeting, which is a significant step towards making urgently needed reform. This reform will inevitably be an ongoing process, and one in which both members and non-members of the Security Council will need to engage. However, it is also an area where early action leading to tangible results for Member States is possible. Canada looks forward to engaging constructively on this process in the months ahead.

**The President** (*spoke in French*): I now give the floor to the representative of the Islamic Republic of Iran.

**Mr. Danesh-Yazdi** (Islamic Republic of Iran): I wish to extend our appreciation to you, Mr. President, for convening this important debate on the working methods of the Security Council. I also thank the Permanent Representatives of the group of five small nations — the S-5 — for having requested this timely meeting.

Fourteen long years have elapsed since the Council last addressed this issue. That is indeed an indication of the fact that the reform of the Security Council, which is of paramount importance for the overwhelming majority of the Members of the United Nations, has not been accorded due attention, in particular as a result of reluctance on the part of some permanent members of the Council. We hope that open debates such as this one will be convened on a more regular and frequent basis to highlight the importance of the issue under discussion.

The note by the President of the Security Council and its annex, which are contained in document S/2006/507, is an important, although modest, step in the right direction. It reflects certain measures agreed upon among Council members in order to enhance the efficiency and transparency of the Council's work, as well as its interaction and dialogue with non-members of the Council. However, that document is not inclusive and its provisions have not been adequately implemented in the past two years. Despite the emphasis that the overwhelming majority of Member States have all along placed on the necessity of bringing transparency and openness to the Council's working methods and its decision-making processes, to date, apart from isolated steps taken in that regard, the working methods of the Council have in reality not undergone major improvements.

The manner in which the Security Council functions at present and its failure to adequately improve its working methods and decision-making processes have brought about a situation where we are witnessing a decline in trust in this important organ in international public opinion. In turn, that trend has led to the loss of standing and credibility in the Council in the eyes of the general membership. In accordance with Article 24 of the Charter of the United Nations, the Security Council should act on behalf of all Member States; but in reality, if there is one thing missing in the exercise of many of the Council's functions and the taking of its decisions, it is that very principle.

Not only do the Council's decisions decreasingly reflect the wishes and views of the overwhelming majority of the Member States of the Organization, in many cases they do not even represent the genuine opinion of the whole of its own membership. Despite the requirement contained in paragraph 42 of the President's note calling for consultation by the Council with the broader United Nations membership — in particular, interested Member States, including countries directly involved or specifically affected — when drafting, inter alia, resolutions, presidential statements and press statements, in many cases the general membership and even the countries concerned are kept totally uninformed of the negotiations on draft resolutions or statements directly affecting them, let alone being asked their views on the Council's outcome documents. That is also the case with regard to non-permanent members, which frequently face

situations of secretive negotiation between a few permanent members on important issues.

A legitimate question therefore arises: whether the outcome of such non-transparent, exclusive and political procedures can represent the points of view of the entire membership. How can one expect Member States to implement decisions that are made without even minimal engagement on their part, or even without their knowledge?

There are numerous other instances in which the Council has failed to honour its responsibility as regards the rights of non-Council members. They include, inter alia, the Council's refusal to allow non-members of the Council to participate in discussions on matters affecting them and their interests, in total disregard of Article 31 of the Charter; its denial of concerned countries' right to brief it on their positions on issues having a direct effect on their national interests; its continuation of a trend of selective notification as to the holding of its meetings; its failure to convene regular daily briefings; and its denial of the right of reply to countries against which allegations are raised under certain meeting formats of the Council.

It is indeed noteworthy that some Council members are adamant in their reluctance to implement the decisions on the working methods of the Security Council that they have agreed to, as contained in document S/2006/507. In that context, for instance, although paragraph 29 of the annex to that document stipulates that "when non-members are invited to speak to the Council, those who have a direct interest in the outcome of the matter under consideration may speak prior to Council members", on many occasions the Council has denied an opportunity to countries concerned to speak before a vote is taken, instead allowing them to speak only after the Council had taken a decision and its members had made their statements.

Hasty and unnecessary resort to Chapter VII of the Charter of the United Nations and the threat or use of sanctions in cases where no actions have even been necessary, are other disturbing facts that have undermined the credibility and legitimacy of the Council's decisions. More alarming are the various cases in which certain permanent members of the Security Council have attempted to exploit this body as a vehicle to pursue their own national agendas.

Undoubtedly, impartiality, transparency and fairness are key premises on which the Security

Council should base its approach in discharging its Charter-mandated responsibilities. To increase the transparency of its work and improve its working methods, the Council should seriously take into consideration the relevant provisions of the Charter, as well as the resolutions that clarify its relationship with the General Assembly and other organs of the United Nations.

The Security Council's norm-setting and law-making are also part of another increasing trend that runs counter to the letter and the spirit of the Charter of the United Nations. In accordance with the Charter, the General Assembly, as the chief deliberative, policy-making and representative organ of the United Nations, is primarily entrusted with the task of the progressive development and codification of international law. As stated by the representative of Cuba in her statement on behalf of the Non-Aligned Movement, to which we subscribe, the Security Council's increasing encroachment on the prerogatives of other main organs of the United Nations — in particular those of the General Assembly and the Economic and Social Council and their subsidiary bodies, as well as such technical bodies as the International Atomic Energy Agency — is also of particular concern to Member States.

A case in point is the imposition of the consideration by the Security Council of the peaceful nuclear programme of the Islamic Republic of Iran. In the past 30 months, in a politically motivated move orchestrated by a few of its permanent members, the Security Council has taken unlawful, unnecessary and unjustifiable actions in adopting resolutions against the Islamic Republic of Iran in connection with its peaceful nuclear programme, which presents no threat whatsoever to international or regional peace and security. Those actions have been taken against our nation only because we have decided to exercise our inalienable right to peaceful uses of nuclear technology, as enshrined in and permitted by the Treaty on the Non-Proliferation of Nuclear Weapons.

I wish to conclude by briefly addressing issues pertaining to the enlargement of the Security Council. Clearly, despite the extensive debates in the General Assembly's Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council over the past 15 years, no significant progress has been made on the

substantive aspects of Council reform, such as its size and composition and the veto power. We concur with the view that the composition of the Council does not represent the realities of the international community today and that this issue should be thoroughly addressed and resolved in any meaningful reform of the United Nations. In our view, meaningful reform of the Council will be possible only through creating a situation where the question of under-representation of developing countries in the Council is seriously dealt with and where the question of the representation of nearly 1.5 billion Muslims is adequately and satisfactorily addressed. Every effort should be made to render the Council more democratic, representative and accountable. Iran stands ready to contribute to the achievement of that goal.

**The President** (*spoke in French*): I now give the floor to the representative of Ecuador.

**Ms. Espinosa** (Ecuador) (*spoke in Spanish*): First of all, my delegation would like to thank you, Mr. President, for having accepted the proposal to hold an open debate on the working methods of the Security Council. We would also like to congratulate the Member States that promoted this initiative. This decision is an important contribution to the efficiency and transparency of the Council's work, but above all it is crucial step towards establishing authentic interaction and a genuine dialogue between the Council and all of the States Members of the Organization. Since the last time that the Council held an open debate on this matter, 14 years ago, we have seen some progress. However, we must point out that the implementation of the measures that are set out in document S/2006/507 has been insufficient and lacking in regularity and firmness.

In failing to apply those methods and thus failing to improve its working methods, the Council has overlooked the fundamental premise that its actions are carried out on behalf of and in representation of all Member States. Likewise, it is important to point out that, even though the Council's agenda focuses on specific issues, the decisions that are adopted have a direct impact on all Member States. In recent years, we have witnessed various conflict situations that are unpredictable or have remained unaddressed, and which today pose a challenge to the Council and the United Nations in terms of adopting the right decisions. In many cases, those decisions go beyond discussions on the political or security issues, and lead us to reflect

on the legal implications, within the context of international law.

New threats and emerging situations have permanently changed the nature of the Council's work. That is why it is crucial to improve its working methods and to provide it with the necessary efficiency to respond appropriately to conflict. In that respect, Ecuador believes that it is crucial that the Council hold open debates on a regular basis, in an interactive format and with enough time so that non-member States can contribute effectively to the decision-making process.

Likewise, my delegation would like to recall the commitment of the Council to hold more public meetings. Although private consultations are one of the instruments that facilitate the adoption of decisions, they were first designed as an exception, and cannot continue to be applied as a rule. It is crucial that all Member States be able to express their opinion on specific situations, especially those countries that are directly involved or especially affected by them, as should regional organizations, to which the United Nations Charter has given an important role in dispute settlement. My delegation believes that combining more informal public meetings with briefings by Special Representatives of the Secretary-General, special envoys or Secretariat officials, and establishing specific objectives for every meeting would help to prevent excessively lengthy sessions and the unnecessary repetition of items.

It is also important to step up interaction with troop-contributing countries when the Council has decided to implement, extend or adjust the mandates of peacekeeping operations. My delegation is convinced that those countries have the necessary experience and information to conduct a more objective assessment of the situation on the ground, which would undoubtedly lead to improving the decision-making process.

Those formats, however, should not turn into yet another ritual in which the Council simply goes through the motions. To effect real change, the opinions of non-Council-member States, stakeholders and regional organizations must be properly taken into account in adopting resolutions or presidential statements.

Improving the Council's working methods is a decision that cannot wait any longer, largely because the Council's legitimacy depends on it. Even though

Security Council reform requires a comprehensive approach, the effectiveness of the working methods of the Council cannot and should not be made dependent on enlargement criteria. My delegation hopes that the ideas expressed in this debate will receive the appropriate follow-up and lead to concrete actions, along with a continuous process of discussion and review.

**The President** (*spoke in French*): I now give the floor to the representative of Liechtenstein.

**Mr. Frommelt** (Liechtenstein): As a member of the group of five small countries (S-5), we are grateful for the Security Council's positive reaction to our request to discuss the working methods of the Council in an open debate. Our gratitude goes to you, in particular, Mr. President, for preparing a concept paper (S/2008/528, annex) as a basis for our discussion today.

This is the first time since 1994 that the Council has taken up this topic in an open format. The French representative, on whose initiative that debate took place, commented at the time that "there is a certain uneasiness in relations between the Security Council and Members of the United Nations" (*S/PV.3483, p. 2*). That could certainly also be said today, and it is our hope that today's debate will help overcome some of that uneasiness.

The S-5 group established itself in early 2006, after the 2005 World Summit had failed to take action on Council reform. We took that step in light of two developments. First, many States are less and less likely to ever serve on the Council, or they will do so only at very widely spaced intervals. Secondly, the Council's work has an immediate impact on an ever-increasing number of Member States, beyond those on the agenda of the Council. We strongly believe that improvements in the working methods of the Council should take into account the changing nature of its work. Such improvements are essential for the Council's legitimacy and effectiveness, and they should not be made conditional upon enlargement. The Council responded by adopting the presidential note contained in document S/2006/507. We welcomed that note, while it fell short of our ideas and expectations. The 2006 note is a good document, containing numerous useful measures, but we have also noted that application of those measures has been uneven and inconsistent. Some Council members treated the

measures as an à la carte menu to choose from — an approach that is contraindicated by the note itself. In recent months, there has seemed to be less and less awareness of the measures in the note among Council members. The frequency of meetings of the Informal Working Group on Documentation and Other Procedural Questions has decreased rapidly. We hope that this debate will bring some of the previous dynamic and energy back to the Working Group.

Our comments today will focus on measures in the note relating to access. Access of non-members to the work of the Council is crucial for the effectiveness and legitimacy of its work. First, in that note, the Council reaffirmed its commitment to increase recourse to open meetings. It contains a useful summary of the meeting formats available to the Council. Public meetings can involve briefings, following which only Council members deliver statements, and provide a very useful format that should be used more frequently. Under the current practice, United Nations officials often brief the Council in private meetings, even if non-members have a strong interest in the matter under consideration. We encourage the Council to conduct such briefings in an open format, as a general rule. It is obviously the Council's prerogative to meet thereafter in a closed format for informal discussions.

Secondly, open debates are, in principle, a very useful tool that should be applied regularly. At the same time, the current practice has to a certain extent become a ritual and has little or no impact on the Council's decision-making. The timing of such debates should be revised in order to allow non-members to offer their input prior to the Council's decision-making. Such meetings could also be held in a more informal, interactive format, for example in the context of an open briefing on the relevant report of the Secretary-General. Seeking the views of the wider membership is a necessary element of the Council's mandate to carry out its functions on behalf of all United Nations Member States. Such processes should, therefore, be initiated more frequently, also by non-members.

Thirdly, access by non-members to the sanctions committees remains a crucial topic. While the note states the requirements, the practice leaves room for improvement. Earlier this year, we asked to meet with the 1267 Committee, as part of a group of States, to discuss relevant matters. However, the request was

only taken up after extensive consultations within the Council. The meeting eventually took place, but there was only limited substantive response from the Committee, and there was no continuation of that dialogue when the Council drafted resolution 1822 (2008). We believe that improved access to the sanctions committees would benefit the Council and the implementation of sanctions.

Finally, the Council could make greater use of informal consultations with interested Member States, as urged in the note. Informal consultations should offer the opportunity for Council members to listen to the views of such States, in particular when the States are directly affected by a decision under consideration.

We appreciate the heavy workload and the time constraints under which the Council is conducting its work. We acknowledge the improvements that have been made. Further measures to improve efficiency are necessary to enable the Council successfully to carry out all its tasks. Discussing issues in specific configurations, such as in the Peacebuilding Commission, could be an interesting format in the future.

Our ideas on access are not meant to involve greater consumption of time or to constitute an additional burden for the Council. Instead, they are straightforward and aimed at improving the quality of the decision-making process. Our interest in improved working methods is driven by our belief that the Council's role must be further strengthened and that its effectiveness can be improved. We appreciate the willingness of the Council to meet in this format today and hope that the dialogue on these issues can be continued later this year.

**The President** (*spoke in French*): I now give the floor to the representative of Argentina.

**Mr. García Moritán** (Argentina) (*spoke in Spanish*): First of all, I should like to thank you, Mr. President, for the way in which you are conducting the work of the Council this month and for convening this open debate on a theme of such great importance.

Our country was a member of the Council when the reforms contained in presidential note S/2006/507 were adopted in July 2006. In the Informal Working Group on Documentation and Other Procedural Questions, under the presidency of Japan, we witnessed how difficult it is to change the practices and

procedures that were not very transparent, established by the permanent members over the past years. The effort to improve the working methods of the Council had started in earlier years. Allow me to recall the role of Argentina, together with the delegation of New Zealand, in the establishment of meetings to exchange information with troop-contributing countries during the 1990s.

We believe that the agreements reached in 2006 are positive but also insufficient. It is necessary to continue the progress towards greater democracy in the Council and greater openness to the membership, which will greatly contribute to a more effective organization.

Here, I should like to recall some of the proposals we have made regarding the Council's working methods. First, we must undertake an annual or biannual revision of mandates and recommendations in the case of conflicts that we all know will last a long time. Council members should make the greatest effort to focus the debate on specific action-oriented proposals and decisions. In that regard, the Secretary-General or the Special Representatives should place more emphasis on the necessity to receive advice or guidance from the Council. It is also necessary to establish more frequent contact between the principal organs of the United Nations, so as to mitigate negative perceptions of the Council and to achieve more coordinated joint action.

Meetings between the Presidents of the General Assembly and the Economic and Social Council with the Security Council president of the coming month could be organized in relation to the Council's agenda. We believe that regional groups could play an important role here, increasing the legitimacy and accountability of the Council.

We must also be more effective in public meetings with regard to the use of time. States that are not members of the Council could also contribute to the work of the Council committees with their experience of or participation in the region of the conflict in question. Another point is that we must produce an annual report that is more analytical and substantive, and at the same time avoid lengthy negotiation over its contents.

With regard to other matters, I shall mention very briefly the question of the veto and its limitation, which is an issue that belongs to the General Assembly

and the Open-Ended Working Group on Security Council Reform. Despite that, we believe it is necessary to mention it in this open debate, since its use and the threat of its use operate as a procedural device when permanent members pursue their national interests, a process that affects both the working methods and the effectiveness of the Council in achieving its objective of enforcing international peace and security. In that respect, we note our regret and concern over the more frequent use of the veto this year.

Finally, we once again call upon the Members of the Organization to reach an agreement on Council reform, based on a transitional approach, without winners or losers, that would make it possible to resolve the current impasse that has lasted a long time, 14 years to be precise.

The approaches proposed by the facilitators and the task force on Security Council reform established by the President of the General Assembly could lead to a reformed Council that is more democratic and efficient. For this, transparent and effective working methods are also required. The Council must also become more dynamic and incorporate more regional decision-making.

The successive failures of the Council show that the permanent members have not kept their part of the bargain struck in 1945: permanent seats and a veto in exchange for responsibility to the broader membership. Indeed, they are clearly making any attempt at reform in terms of composition or working methods impossible. It is time for them reconsider and to make possible true change that will revitalize the Organization and enable it to fulfil its purposes and principles.

**The President** (*spoke in French*): I now give the floor to the representative of Austria.

**Mr. Ebner** (Austria): My delegation would like to thank the Belgian presidency for convening today's open debate on the working methods of the Security Council and for preparing an excellent concept paper (S/2008/528, annex) to guide our discussion. We welcome the opportunity to discuss the implementation of the measures contained in presidential note S/2006/507 of 19 July 2006 in the Security Council in this open format and are grateful to Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland for this initiative.

The very fact of the holding this open debate is in itself an important contribution to enhancing transparency and interaction between the Council and the United Nations membership at large. Austria has supported these efforts from the very start and was one of the 10 non-members of the Council that participated in the last open debate of the Security Council on its working methods and procedure, in 1994 (see S/PV.3483). We are pleased to see that today's list of speakers is much longer, and we hope that open debates on this issue will be convened on a regular basis.

As has been outlined in the concept paper, since the issuance of the 2006 presidential note considerable progress has been made to increase the Council's transparency and efficiency, as well as its interaction with non-members of the Council. We wish to express our appreciation for the efforts of the Informal Working Group on Documentation and Other Procedural Questions. However, we believe there is room for further progress.

In addition to transparency, interaction and efficiency, the issue of improving the working methods of the Security Council is central to the functioning of the Council in general, the effectiveness of its decisions and the strengthening of the rule of law. Since the effectiveness of the implementation of Council decisions depends on compliance by Member States, their involvement will increase the understanding, acceptance and implementation of Council decisions.

As is well known, Austria is a long-time advocate of the rule of law. In our view, it is imperative to strengthen the rule of law in all its dimensions: at the national, international and institutional levels. We would therefore like to add a few comments to today's discussion from the broader perspective of the strengthening of the rule of law.

In the autumn of 2004, Austria launched a panel series on the role of the Security Council in strengthening a rules-based international system. A final report entitled "The United Nations Security Council and the Rule of Law" was presented in New York in April this year and issued as a United Nations document (S/2008/270, annex). The report contains 17 recommendations on how the Security Council could strengthen the rule of law in its various fields of activity, many of which are pertinent for today's

debate. I would like to highlight the following three areas.

First, as the Security Council plays a central role in promoting the rule of law, the report analyses the question of how the rule of law might apply to the Council itself as a creature of law. The report recommends that the Council should use its extraordinary powers for extraordinary purposes. The exercise of such powers should be limited in time, and it should be subject to periodic review. As a rule, the Council should allow for representations by affected States and, where possible, individuals.

Secondly, the report discusses the tension between effectiveness and legitimacy of Security Council actions in the context of quasi-legislative resolutions adopted under Chapter VII of the United Nations Charter. As the effectiveness of the implementation of Council decisions depends on participation by Member States, the legitimacy of those decisions may depend on participation by Member States through their involvement in the decision-making process. The report therefore recommends that when the Security Council adopts a resolution of a legislative character that is general rather than particular in its effect, the legitimacy of and respect for that resolution will be enhanced by a process that ensures transparency, participation and accountability, which should include the holding of open debates on any such proposals, wide consultation with the membership of the United Nations and other specially affected parties and a procedure to review the resolution within an appropriate time frame.

And thirdly, with regard to targeted Security Council sanctions and the protection of individual rights, the report addresses the question of reviewing listing and de-listing decisions of the Council. While a number of Security Council resolutions have marked significant progress in this field, it has still been questioned whether these measures have satisfied the 2005 World Summit call for "fair and clear procedures" (*General Assembly resolution 60/1, para. 109*). The report thus recommends that the Council should be proactive in further improving fair and clear procedures to protect the rights of individuals affected by its decisions, which should include, as a minimum standard, the four basic elements listed in the 2006 non-paper of the Secretary-General, annexed to a letter addressed to the President of the Security Council (see S/PV.5474). The Council should invite the Secretary-General to present it with options to further strengthen the legitimacy and effectiveness of sanctions regimes.

We hope that the report and its recommendations will provide valuable input for the current debate on improving the working methods of the Security Council. We understand that some suggestions may require further discussion. However, we also believe that a number of concrete steps to further these goals could easily be agreed. These could include a renewed commitment to paragraph 3 of the annex to the 2006 presidential note, on briefings after informal consultations and private debates; improving access to Security Council meetings for affected non-members of the Council, including informal consultations; and enhancing the consultation process with troop-contributing countries prior to the establishment or renewal of the mandate of a mission.

The Council's working methods have developed over the years, and we believe that they will always remain a work in progress. As the work of the Security Council changes and adapts to changed circumstance, so should the Council's working methods. Involvement of the wider membership will remain key in order to serve the whole Organization.

As the representative of Austria stated at the open debate in 1994, it remains

"imperative to find a balance between the need for swift and effective decision-making and the need to give all Member States concerned the opportunity to make themselves heard at an appropriate time, thus ensuring that their opinions are taken into account by the Security Council when decisions are formulated and taken". (*S/PV.3483, p. 19*)

Today, those remarks remain as valid as ever, as we are still on a quest to find that balance.

**The President** (*spoke in French*): I now give the floor to the representative of India.

**Mr. Sen** (India): Thank you, Mr. President, for scheduling today's debate on an issue which is of significant importance to all Member States, both within and outside the Security Council. Let me also take this opportunity to congratulate you on your assumption of the presidency of the Council for this month.

While the Charter confers upon the Security Council primary responsibility for the maintenance of international peace and security, paragraph 1 of Article 24 also stipulates that it acts on behalf of all

Member States in discharging that responsibility. Accordingly, the Council's working methods have always been of direct, abiding and immediate interest to all Member States. That is underscored not only by the interest of many States in today's topic, but also by the fact that issues relating to the Council's working method were identified almost 60 years ago. It was in April 1949 that the General Assembly unanimously adopted its resolution 267 (III) on this issue — a resolution which regrettably remains unimplemented. However, its adoption underlines that such criticism has substantial precedent. An equally illustrious pedigree is shared by the Council's rules of procedure, which have adamantly remained "provisional" over the decades.

While we are happy to discuss the Security Council's working methods in an open debate in the Council, I must emphasize that this is an issue that transcends the limited membership of this body. The extent of interest among non-members of the Council and the fact that the Council acts on behalf of the larger membership reinforce the point that the General Assembly has a legitimate role in deliberating upon the working methods of the Council.

Nonetheless, the very fact that we are debating this issue here reflects recognition of the existence of a problem. Indeed, the note by the President of the Security Council dated 19 July 2006 (S/2006/507) voiced some of these concerns by listing some 63 action points. While the concept paper for this meeting (S/2008/528, annex) assessed the implementation of those measures, we do not fully share its somewhat optimistic conclusions.

Troop-contributing countries have also long sought to be involved in decision-making in peacekeeping operations, rather than being consulted in a pro forma manner. Concerns persist over access to information and documentation; the absence of access to the Council on particular issues as a matter of routine for both the country concerned and important stakeholders; and the lack of systematic access, including by island and small States, to subordinate bodies of the Council. All these are recognized to be among the problems besetting the Council.

While I shall not dwell on problems in the Council's working methods through a recitation of various examples — the statement of the Chair of the Non-Aligned Movement adequately covers the salient

points — there can be no ignoring the growing chorus of voices that recognize flaws in the Council's working methods.

Yet, the many flaws in the Council's working methods are only symptoms of a deeper malaise that lies in its structure and composition. The problem of the Council is not only a problem of working methods, but also one of additional requirements for logistical, defence and financial capabilities and reinforced legitimacy, which would lead to wider acceptance and more effective implementation of optimal decisions. Thus, the lacunae in the working methods of the Council cannot be fundamentally rectified without equally comprehensive reform and expansion of the membership of the Council in both the permanent and the non-permanent categories. In that connection, we endorse the point made by South Africa and other countries.

It is sometimes argued that we could consider reform of the Council's working methods as an end in itself. However, in the real world, achieving genuine, lasting and necessary improvements in the working methods of the Council cannot be divorced from an expansion in the number of permanent members. It is necessary to underline that point, since earlier we witnessed an expansion in the number of non-permanent members, with little improvement in the Council's working methods. To acknowledge that is not to denigrate the conscientious and strenuous efforts of many non-permanent members in the past. However, their efforts were always doomed to fail, because the structure of the Council had not changed.

Not the least of the limitations was the fact that, by their very nature, non-permanent members are transient and lack the institutional memory necessary to follow through and implement far-reaching changes. The challenge of being new members on the Council also adds to that problem. The very fact that the arguments that are being made today to improve the Council's working methods are the very same ones that have been made for more than 60 years simply proves the point.

In conclusion, I should like to reiterate our firm conviction that genuine and lasting improvements in the working methods of the Security Council can be possible only as part of a comprehensive process of Council reform based on both reform and expansion of its composition in the permanent and non-permanent

categories. It is only when there are new permanent members that are held accountable to the wider membership through an appropriate review mechanism that there will be a genuine response to the long-standing demand for meaningful and durable changes in the working methods of the Council. In the absence of such comprehensive reform, a fundamental improvement in the working methods would either escape us, as it has for more than 60 years or, even if miraculously achieved, would not last without the institutional memory, continuing commitment and peer example of new permanent members held accountable to the general membership.

**The President** (*spoke in French*): I now call on the representative of the Republic of Korea.

**Mr. Park In-kook** (Republic of Korea): I would like to begin by thanking you, Mr. President, for convening this meeting to discuss the working methods of the Security Council. We believe it is both timely and appropriate for the Council to have this opportunity to contemplate this important issue. I would also like to express my profound appreciation to the Secretary-General for his interest in and commitment to enhancing all components of the Organization.

As shown in the 2006 note by the President of the Security Council (S/2006/507), it is widely agreed that the Council's working methods are in need of reform. In pursuing that objective, consensus should be sought wherever possible. In particular, if the Council is to maintain the moral authority necessary to carry out its primary responsibility under the United Nations Charter, then it should operate in a manner that is more open, transparent, consultative and democratic.

In that regard, the Republic of Korea appreciates the efforts of the Security Council's Informal Working Group on Documentation and Other Procedural Questions and welcomes the progress made in fostering greater transparency and inclusiveness in the work of the Council.

While private consultations and closed meetings are necessary in certain situations, we encourage the Security Council to make more of its meetings and debates open, while reducing the amount of activity that takes place behind closed doors. We believe that participation in the Council's discussions by non-members that are parties to any dispute under consideration should be ensured whenever possible.

Similarly, we would like to see more consultations between Security Council sanctions committees and those Member States that would be affected by the sanctions.

Furthermore, transparency would be well served by more substantive and analytical reports from the Security Council. Publications and submissions of the Council could be qualitatively improved to allow the wider membership to gain more insight into its work. The Council might start with refining its annual reports to the General Assembly to add analytical value, rather than merely giving descriptions of the work of the Council during a given year.

As a troop-contributing country, the Republic of Korea finds the Security Council's meetings with such countries to be very useful and informative. We would also appreciate having more meaningful and substantive participation in the early decision-making process regarding missions in which our troops will be involved. Likewise, as one of the significant financial contributors to peacekeeping operations, we would like the Security Council to keep the General Assembly informed regarding the budgetary and on-the-ground implications of the missions that it mandates.

We note with appreciation that the Council has come up with an inventive way to diversify its working methods: by establishing working groups on substantive issues of international concern, such as children and armed conflict. Such forums allow the Council to have greater flexibility in undertaking new tasks as they arise. The Council is encouraged to continue to use such inventiveness to enhance the transparency and inclusiveness of its work.

In concluding, I would like to emphasize that the improvements in the Council's working methods are an integral part of overall Council reform and that efforts to improve its working methods should continue.

**The President** (*spoke in French*): I now call on the representative of the Netherlands.

**Mr. Majoer** (Netherlands): I very much welcome the opportunity to participate in today's debate on the Security Council's working methods. I thank you, Mr. President, having taken the initiative to convene it, and I thank the representative of Costa Rica for having proposed it. This debate is timely, even though the broader subject of Security Council reform has been actively discussed at various levels since the 2005

World Summit. Many of us have played a role in moving the issue forward; I had the privilege of taking up the subject of the Council's working methods as a facilitator to the President of the General Assembly. Some members have been particularly active within the Security Council and deserve to be commended for their work — notably, the successive Chairs of the Security Council's relevant Informal Working Group: the representatives of Japan, Slovakia and now Panama.

The importance of Security Council reform cannot be overemphasized, and I believe there is a broad consensus that, during the sixty-third session of the General Assembly, we should start negotiations on the various options and proposals on the table.

Following your suggestion, Mr. President, I will focus in this debate on the particular aspect of the Security Council reform that concerns the involvement of States and other parties not members of the Security Council in the Council's work. That is merely one aspect, but an important one nonetheless. Options for reform in this area should be pursued without delay in view of their importance to the legitimacy of the Council's deliberations and decisions in specific cases. Access to the Security Council by non-members can ensure an important infusion of credibility.

The group of five small States — the S-5 — has made very useful proposals in this regard. Others have made suggestions as well — some more radical than others, including by non-governmental organizations, such as Independent Diplomat, which has called for the introduction of a universal right of address.

These proposals and suggestions have to be seen in the light of an already developing practice in the Security Council to be more accessible to non-members and their views. For instance — and this should be recognized — access to the Council for Member States with specific responsibilities in the Peacebuilding Commission has considerably improved. Also, as has been pointed out in the Belgian presidency's concept paper (S/2008/528, annex), it has become more common for countries directly concerned by a particular agenda item to take the floor before Council members.

But more can be done, and there is a need for clear guidelines. I would suggest that the Security Council consider providing increased access to its work along the following lines. I hope that the Security

Council will be willing to look at these proposals together with many of the other proposals that are already on the table.

First, as a general rule, State and non-State parties to a conflict on the Council's agenda, affected States, relevant regional organizations and interested non-governmental actors should have the right to be heard by the Council whenever it discusses a conflict and especially in the early stages of its consultations. "To be heard" should mean, as a minimum, that all of those entities should have the right to submit their views to the Council in writing and upon their own initiative. Such contributions should then be distributed as Security Council documents.

Secondly, all States parties to or directly affected by a conflict on the Council's agenda, as well as relevant regional organizations, should have the right to speak before the Council. They must be able to exercise that right by making a simple request to the Council, as appropriate and subject to the Council's agenda. Such a request should be granted automatically. This right should extend beyond the Council's subsidiary bodies and should include the Security Council's plenary discussions, either in closed or open meetings. But this right should not apply in closed consultations on Council statements or resolutions.

Thirdly, and similarly, non-State parties to a conflict should also be given the possibility to address the Council at their request. However, in these cases, it must remain the Council's prerogative to decide which of these requests it is to grant and in which specific situations. The Council may limit access to its deliberations to written contributions, which, as pointed out, should be all parties' basic right. This basic right can be denied only to those parties that have been blacklisted by the Council as terrorist organizations.

With these few measures, my delegation believes that the Council can ensure the necessary democratization of its working methods. Most important, these measures can ensure that all parties that could be part of a political solution to a particular conflict are heard.

I am talking explicitly about the right and need to be heard. It should be clear that the right to decide must remain exclusively with the members of the Security Council. But their decisions will gain more

weight and credibility once all relevant parties have been given the opportunity to make their inputs at the early stages of the decision-making process.

As I said previously, I hope that the Council will consider these suggestions, together with the many other ideas and proposals that are already on the table.

**The President** (*spoke in French*): I now give the floor to the representative of Tonga.

**Mr. Tupouniua** (Tonga): I have the honour to speak on behalf of the Pacific small island developing States, comprising Fiji, the Federated States of Micronesia, the Marshall Islands, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tuvalu, Vanuatu and my own country, the Kingdom of Tonga.

I wish to take this opportunity to congratulate you, Mr. President, for your strong leadership in convening this open debate to discuss the working methods of the Council. We share the concerns raised in the note of the President of the Security Council (S/2006/507). We would like to acknowledge the work of the group of five small States, the S-5. We hope this debate offers constructive and practical advice for the Council in the light of the increasing workload and the competing interests that demand the Council's attention.

The Pacific small island developing States also share the concerns outlined in the presidency's concept paper (S/2008/528, annex) and the focus on improving the Council's efficiency, transparency and interaction.

The efficiency of the Council is of paramount importance to the maintenance of international peace and security. New conflicts have emerged since the end of the cold war. As a result, the Council has been called upon to address these issues and to devote its resources and attention to meeting the increasing demands for peacekeeping and conflict resolution.

The Council's workload grew exponentially in the early 1990s, causing the Council to evolve from a body that for decades met only sporadically into one that held 272 formal meetings and 193 informal consultation sessions in 2006, an increase of 21 per cent over 2004 levels. Council output, measured by resolutions and presidential statements, increased by 36 per cent over the same period.

The increase in the demand for the Council's involvement in conflict resolution is reflective of the

changing times. More than ever, our collective well-being depends upon how we respond, in multiple forums, to emerging cross-cutting issues. Both the traditional and non-traditional kinds of threat deserve the attention of the Council. We must widen the scope of acceptance and address the substantial security implications of certain cross-cutting issues. In our view, we believe that we should not become so inflexible that we deny the opportunity for the Council to analyse and consider the substantial security implications of certain cross-cutting issues, such as climate change.

We emphasize that in his 2001 report entitled "Prevention of armed conflict" (S/2001/574), the Secretary-General noted that in the last century, collective security was often pursued by the Council through reactive rather than preventive means, and was defined almost exclusively in military terms. The Secretary-General pledged to move the United Nations "from a culture of reaction to a culture of prevention" (*para. 4*) and specifically referred to creative tools at the Security Council's disposal to increase utilization of proactive strategies. The Secretary-General encouraged the Council

"to consider innovative mechanisms, such as establishing a subsidiary organ, an ad hoc informal working group or other informal technical arrangement to discuss prevention cases on a continuing basis, particularly in regard to periodic regional or sub-regional reports ... as well as other early warning or prevention cases brought to its attention by Member States". (*para. 39, recommendation 3*)

Bearing in mind the Secretary-General's 2001 report, we note that the Council has a truly unique skill set that it can engage to address the security implications of climate change. That can be accomplished in ways that are outcome-oriented but which do not overburden the Council's workload and which complement existing agreements.

The need for the reform and the improvement of the working methods of the Council is obvious. The Council has never been static and has always responded to new challenges to international peace and security. Examples are found in the establishment of peacekeeping and post-conflict peacebuilding processes.

Today, new challenges such as climate change threaten international peace and security. The working methods have to be flexible to address such challenges while taking the increasing workload of the Council into consideration. It is important that the working methods adapt to the urgent need to address the security implications of emerging cross-cutting issues such as climate change and that they take a proactive approach to the maintenance of international peace and security.

The Pacific small island developing States would therefore like to reiterate their position that meaningful reform of the working methods of the Security Council should be included in the intergovernmental negotiations mandated to commence during the current session of the General Assembly. Open negotiations will give all Members of the United Nations a voice and will certainly help the Council to be more effective, efficient, transparent and democratic in the future.

The concept paper (S/2008/528) identifies transparency as one of the major challenges for the Council in reforming its working methods. We share the concern about the need to strike a better balance between private consultations and the commitment to conduct more public meetings. Several issues, including the following, need to be considered by the Council.

First, the Council has increasingly shifted from open to closed meetings when conducting its affairs. We hope the Council can take into account the impact of its decisions on non-members and increase the number of open debates and meetings.

Other issues include the provision of more regular structured briefings to help address the concerns of non-members and increasing the level of input from the wider United Nations membership in the decision-making process to determine the format for a particular Council meeting. The current process lacks transparency and is not accessible to non-members.

There is a need to improve the effectiveness of the wrap-up sessions. In 2001, members agreed that interactive wrap-up sessions at the end of a presidency would be a useful exercise. Unfortunately, many of the wrap-up sessions did not take place, with the last having taken place in 2005. Such meetings would be useful for non-members, and in particular for smaller nations with limited resources, to follow the proceedings of the Council.

There is also the issue of encouraging and facilitating better interaction with troop-contributing countries by conducting regular meetings to discuss substantive matters and concerns. That is particularly relevant for troop-contributing countries that are not members to the Security Council.

The growing number of activities undertaken by the Council has had a great impact on the membership at large. Issues such as the contributions of troops required for major new peacekeeping missions or the imposition of new sanctions regimes by the Council have produced impacts on United Nations Members that contribute to the its peacekeeping forces. That is particularly important for Pacific small island developing States, as a number of our countries have been involved in the peacekeeping process. As non-members of the Council, Pacific small island developing States support any efforts to increase transparency and allow greater participation by the entire membership of the United Nations.

Many of the agreements reached by the Council are negotiated through experts meetings, which are not open to non-members. Although the informal consultations are made public in the *Journal of the United Nations*, the summaries of the discussions are not readily available. Draft resolutions and statements are often circulated among the members of the Council. They are often trimmed and edited before reaching informal consultations. Such a practice makes it hard for non-members to be readily informed of the work of the Council. It also makes it difficult for non-members to provide meaningful input into the process, even in rare opportunities such as open debates.

Finally, we have raised a number of concerns and made several observations regarding the working methods of the Council. We have outlined the difficulties faced by non-members, such as Pacific small island developing States, in having timely access to the Council's work and being able to effectively participate in its decision-making process. We hope that the Council's working methods can be improved to reflect the increasing need for efficiency, transparency and interaction.

We are confident that the Council will rise to the challenge and widen its scope to consider the security implications of cross-cutting issues such as climate change. It is also our hope that the Council can address the issues of the veto and increased membership within

the intergovernmental process, rather than through the open-ended working group mechanism, and, in the case of working methods, the Security Council.

**The President** (*spoke in French*): I now give the floor to the representative of Pakistan.

**Mr. Amil** (Pakistan): I would like to felicitate you, Mr. President, and the Belgian delegation for your skilful handling of the Council's work during this month. Let me also express our appreciation to Ambassador Le Luong Minh and his team for Viet Nam's successful presidency in July.

The holding of this open debate on the working methods of the Security Council is a welcome step. The group of five small nations, which has made the issue of working methods its forte, merits our appreciation for seeking this debate. We also thank others who supported the initiative.

In carrying out its duties under the Charter, the Security Council acts on behalf of the States Members of the United Nations. It is therefore only appropriate for the Council to know and understand how the general membership perceives its work and the methods it employs to carry out that work. The efficiency and transparency of the Council's work and its decision-making process are issues of great interest and importance to a large majority of the United Nations membership. The improvement of working methods is the part of the Security Council reform issue on which there is almost complete consensus among Member States, irrespective of their positions on the other aspects, such as an increase in the membership.

Pakistan fully endorses the comprehensive statement made by the representative of Cuba on behalf of the Non-Aligned Movement. We hope that the proposals set out in that statement, along with other proposals made during this debate, will be given due consideration. I would like to take this opportunity to share a few thoughts.

Having watched the Security Council from both inside and outside, one can sense and appreciate the important work that it performs and the heavy responsibility that it carries. The Council has a wide-ranging agenda and is increasingly assuming a larger role in the management of international relations. Its scope of action extends from pre-conflict peacemaking to conflict management, peacekeeping and post-

conflict consolidation. It is the only body that can make binding decisions and obligations and take enforcement action. Directly or indirectly, its work concerns and affects all Member States, who in turn are logically expected to follow and assess its work.

No doubt, there has been some improvement in the working methods of the Council, and that is to be welcomed. But it is not enough. Unfortunately, among the general membership there remains widespread dissatisfaction about the Council's work and its decisions. The main objective of those measures in enhancing the effectiveness and legitimacy of the Council is thus not being achieved. We are not sure whether the answer is in identifying a new set of measures. If we could only implement the existing ones, it might suffice.

It is interesting to note that many of the measures mentioned in document S/2006/507 and other proposals made in the past and in today's debate regarding the working methods of the Council emanate directly from the United Nations Charter and its provisions relating to the Security Council and other principal organs. An example is Article 24, which, *inter alia*, requires that in discharging its duties the Security Council shall act in accordance with the purposes and principles of the United Nations. It also requires the Council to submit annual and, when necessary, special reports to the General Assembly for its consideration. Articles 31 and 32 provide for the participation of non-members of the Council directly concerned with an issue in the Council's discussions.

There are other proposals that simply seek the implementation of the Council's own rules of procedure, which, by the way, remain provisional to date: rule 48, for example, which states that unless it decides otherwise, the Security Council shall meet in public. Provisions for the pacific settlement of disputes, and enforcement measures when required, as well as cooperation with regional arrangements are all mentioned in the Charter. Enhancing the relationship with troop-contributing countries is an objective contained in Council's own resolution 1353 (2001). The General Assembly's Open-Ended Working Group on Security Council Reform has also deliberated extensively on these issues in the context of the so-called cluster II issues, and has made several agreed recommendations.

Others have spoken on many of these issues, and I do not want to be repetitive. The crux of the matter is that these provisions, which are mostly agreed provisions, are not being faithfully implemented. In some cases, they are even misinterpreted and misused or abused. That has a direct negative bearing on the Council's efficiency, effectiveness and legitimacy. Thus, we are often faced with questions as to whether the Council is effective in carrying out its core mandate, namely, the maintenance of international peace and security. Has it acted in accordance with the Charter? Did it reflect the views and interests of the membership? Did it adequately engage and consult the Member States directly concerned by an issue? A review of the Council's agenda and dynamics provides answers to many of those questions.

In recent years, the Council has been relatively effective in addressing internal crises. Its record has, however, been less impressive in resolving inter-State conflicts. In fact, the Council does not deal directly with some of the major conflicts and threats to international peace and security. Some other major unresolved issues, including in our own region, have lain idle on the agenda of the Council. However, on the ground, those are live issues. They pose a threat to international peace and security. Even on some important issues, which are on its active agenda, such as the Middle East, the role of the Council has been sidelined and viewed by many as ineffective and partisan.

The determination of the Council's agenda depends to a large extent on the positions and priorities of the permanent members and major Powers. We have witnessed inaction and delay in the Council, even in the face of the most obvious acts of aggression and breaches of peace. On the other hand, there is proaction, even interference in the internal affairs of sovereign States, even in the absence of a clear threat to international peace and security. Double standards and selectivity, including in the implementation of the Council's own resolutions, threats and the use of force and other forms of coercion are equally disquieting.

The provisions for the pacific settlement of disputes remain grossly under-utilized. In contrast, there is a dangerous tendency to have recourse — too often and too soon — to measures under Chapter VII of the Charter. That trend has even created the impression, though incorrect, that non-Chapter VII provisions are of a lesser value or are not binding.

As regards the format of Council's open and closed meetings, there are arguments on the need to balance confidentiality and efficiency on the one hand and inclusiveness and transparency on the other. Irrespective of the preferences of Member States, we are nowhere close to the coveted balance. It was acknowledged in the Council's open debate on working methods 14 years ago that the public meetings had become more of a formality and everything was discussed and agreed beforehand in the informal or closed consultations. The current situation is no different. The Council remains a closed club. Informal consultations apart, the Council's real work and decision-making transpires often in smaller and more secretive conclaves, which in some cases exclude even some members of the Council.

It is therefore not surprising that, despite a number of public meetings, there has been little tangible improvement in transparency and understanding of the decision-making process of the Council. While we are far from implementing Articles 31 and 32 of the Charter, in the case of informal consultations, there have also been instances in which the most directly concerned parties were denied participation in open meetings.

Increasing interaction between the Security Council and the general membership is a key objective. The Council's interaction and coordination with the General Assembly, the Economic and Social Council and the Peacebuilding Commission is vital for a comprehensive United Nations approach to peace and development. As the leading troop-contributing country, Pakistan has a particular interest in enhancing the troop-contributing countries' engagement with the Council and the Secretariat. As others have noted, those consultation mechanisms should involve a timely, two-way exchange of information and views, which should form part of the input for the Council's decision-making.

While we preserve the central role of the United Nations, the relationship and interaction with regional organizations can and should also be promoted in accordance with the Charter. The Council's enhanced interaction with the African Union is a good example. The objective of such partnerships should be to promote coordination and coherence in policies in order to pursue the collective objectives of peace and security.

Enhanced cooperation with regional organizations also strengthens the concept of regional representation in the Council. That has great potential to ensure wider representation of Member States in the Council. It would also have a positive bearing on the working methods, since regional representation would pursue larger group interests in the Council rather than individual interests.

We are seeking a comprehensive reform of the Council. The real objective of improving the working methods is to have a Council that is more transparent, democratic, representative and effective, thus enhancing its legitimacy and credibility. The central and crucial question is whether we can achieve those objectives by enlarging the coterie of the powerful few, or by strengthening the democratic representation, role and influence of the general membership of the United Nations in the Security Council. We believe the latter is the right and the only feasible approach. The concepts of permanency, privilege and special status should have no place in today's United Nations. The best way of ensuring the accountability of the Council to the general membership of the United Nations is through the addition of non-permanent elected members, subject to a periodic democratic test by their peers and the General Assembly.

The United Nations is an indispensable instrument for the promotion of our shared goals of peace, development and human rights. We can attain those goals by following the essence of the Charter, which is cooperative multilateralism. Sustainable peace and security can only be achieved when principles have primacy over power. The world needs a Security Council that does not always mirror power realities, but that can also stand up for the weak and the powerless with moral authority and credibility.

**The President** (*spoke in French*): I now give the floor to the representative of Guatemala.

**Mr. Briz Gutiérrez** (Guatemala) (*spoke in Spanish*): Thank you, Mr. President, for convening this open debate and for having distributed the informative concept paper contained in S/2008/528, with which we agree on several issues.

My delegation fully associates itself with the statement made by the Cuban delegation on behalf of the Non-Aligned Movement, and we would like to take this opportunity to add — or reiterate — a few comments that we consider important.

At the outset, we would like to acknowledge that, even before the publication of the note by the President of the Council (S/2006/507), which was mainly a compilation of measures that were already in practice, the work of the Council has progressively benefited from greater transparency, effectiveness and interaction. Nonetheless, we must remember that those improvements have been made in an ad hoc manner and are not binding. Each of those improvements responded mainly to the ability and the will of each presidency to maintain contact with delegations that are not members of the Council and, more importantly, to listen to and take into account their suggestions, observations and concerns.

That is why we agree with other delegations on the importance of discussing and formalizing the rules of procedure in order to have the necessary certainty and predictability to be able to tackle energetically and flexibly the various questions, whether recurring or emergency matters, that come before the Council.

It is also important for us to recognize the increasingly widespread perception that the members of the Council, in particular the elected members, serve to represent the membership of the Organization in its entirety. In our particular case, we would like to thank the delegations of Costa Rica, Panama and Peru for keeping the Group of Latin American and Caribbean States abreast of the activities of the Council over the past two years.

We take this opportunity to draw your attention to the pending task of improving the interaction between United Nations organs, in particular between the Council and the General Assembly, which leaves much to desired. Several initiatives taken in recent years that seem to have been dropped could be taken up once again. In that regard, we recall the note in document S/2002/199 concerning the content and adoption of the annual report of the Council to the General Assembly. We believe that it would be useful once again to have a report that meets the analytical needs of the rest of the membership. Not only should it be adopted in a public meeting, but a public debate on its content should be permitted. We highly appreciate the efforts of the delegation of Viet Nam to address this shortcoming by organizing an informal meeting this year.

At the same time, however, we cannot overlook the need for consideration of the relationship between the Security Council and the Economic and Social Council. Strengthening that relationship is another

major challenge on our agenda. We reaffirm our conviction that there can and must be a closer relationship between the two organs; in our view, the Peacebuilding Commission provides an invaluable opportunity to deepen and strengthen that relationship.

Those are some of the points we wished to bring to the attention of the Security Council.

**The President** (*spoke in French*): I now give the floor to the representative of Poland.

**Mr. Herczyński** (Poland): Let me start by thanking the presidency for organizing today's open discussion on the working methods of the Security Council. The concept paper prepared by the delegation of Belgium (S/2008/528, annex) and the document annexed to the presidential note of 2006 (S/2006/507) can serve as an excellent basis for our discussion. We would like to underline that it is up to the whole membership of the United Nations — not exclusively Council members — to debate on reform of the Security Council. I hope that today's meeting will create a good opportunity to assess the ongoing efforts to improve the transparency, efficiency and effectiveness of the Council.

The world situation is very dynamic, sometimes even turbulent and worrisome. Security threats and challenges put at risk fundamental values and principles, as well as the very nature of effective international cooperation. Therefore, only a well-functioning and transparent Security Council can react to crisis situations in a timely manner in order to protect international peace and security.

Poland perceives the enhancement of the efficiency and transparency of the Council's work as well as its enlargement as the key issues of Security Council reform. Such reform should be built on the assumption that membership not only grants privileges but, first and foremost, increases responsibilities. We truly believe that all Security Council members, particularly the permanent ones, should defend and secure the fundamental values set out in the Charter. In no way should they undermine them.

Let me briefly underline some ideas that might be helpful in our discussion.

First, the Security Council should further enhance its cooperation with regional organizations, troop-contributing countries, the Secretariat and the entire United Nations system.

Secondly, the enlargement of the Council should ensure the balanced representation of all regional groups. In this context we reaffirm our conviction that an additional seat for the Eastern European Group should also be envisaged, due to its substantial enlargement in recent years.

Thirdly, we support more active engagement of non-member States, especially countries directly affected by conflict situations, in the work of the Security Council, in particular during the process of preparing draft resolutions, presidential statement and press statements.

And fourthly, real improvement of the functioning of the Security Council should also include closer consultation with civil society.

Improving both the working methods and the composition of the Security Council is not only a question of enhancing the ability of the Council to function effectively. It is a question of its very credibility.

In conclusion, I would like to commend all countries which have contributed to developing and strengthening the current practices of the Council. My special appreciation goes to the delegations of Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland — as well as to those of Japan and Slovakia, which successfully chaired the Security Council Informal Working Group on Documentation and Other Procedural Questions.

**The President** (*spoke in French*): There are no further speakers on my list.

Let me draw some personal conclusions from today's debate. First of all, I want to thank all of the 45 colleagues who participated in the discussion, as well as the Secretary-General, who took part in the debate. A debate like today's offers both an opportunity and a challenge. It gives all of us — in particular non-members of the Council — an opportunity to state our views on the functioning of the Security Council. Our colleague from the United States used the term "consumer survey" (*S/PV.5968, p. 10*), which I think nicely sums up one of the purposes of the debate.

It also poses a challenge. The question of the working methods of the Security Council continues to be a sensitive matter, as shown by the fact that 14 years have passed since the first open debate on the issue, held in 1994. For that reason, I greatly appreciated the

tone of the statements we heard, which was sometimes frank but generally very constructive.

In my national statement, I indicated that, if concrete and achievable ideas emerged from this debate, I would like it to be a success. I have in fact taken note of a good number of such ideas. I also noted that most delegations highlighted the key role of the Council's Informal Working Group on Documentation and Other Procedural Questions and urged it to benefit from today's debate in order to come back to the

Council as soon as possible with a specific outcome. Such an outcome would, in my view, likewise provide both an opportunity and a challenge for all of us. I hope that today's lengthy meeting will be the first step in that direction.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 5.30 p.m.*