SECURITY COUNCIL TRANSPARENCY, LEGITIMACY AND EFFECTIVENESS:
Efforts to Reform Council Working Methods 1993-2007

Introduction

For more than a decade, the working methods of the Security Council have been the topic of much discussion within and outside the Council. This reflects concerns about a number of aspects of Council practice and procedure. Essentially most of these concerns are related to four key areas:

- Transparency
- Participation
- Accountability
- Efficiency

This Special Research Report looks back over the period from 1993 to the present and describes many of the efforts made to address these key issues. It is not an exhaustive history. The focus is more on issues and reforms to Council working methods which have ongoing relevance. At the outset an important factor needs to be acknowledged, the huge growth in the workload that members of the Council and the Secretariat supporting the Council bear. This growth is reflected not only in the eruption of new conflicts at the end of the Cold War, but also in the willingness of most UN members to accept that the United Nations should play a role in resolving these conflicts, even those occurring within states. Consequently, the Council became involved in Somalia, Angola, Mozambique, the Balkans and elsewhere. And the Council's workload grew exponentially in the early 1990s. The number of resolutions went

from twenty in 1989 up to 93 in 1993. From a body that for decades met only sporadically, ranging from a few times a year to a few times a month, the Council in 1993 turned into one that held 153 formal meetings and 252 sessions of informal consultations.

It seems that this pressure played an important role in encouraging all members to be cautious about changes in working methods—especially changes that would increase workloads, without clear increases in efficiency.

The pace of work at the present time in some respects now exceeds that of the early and mid 1990s, especially if the increased work of the sanctions committees and other subsidiary bodies is taken into account. The recent statistics are revealing. Last year, in 2006, the Council had 272 formal meetings and 193 sessions of informal consultations, an increase of 21 percent over the 2004 levels. Council output, measured by resolutions and presidential statements, increased by 36 percent over the same two years.

In these circumstances, delegations appear at times to be struggling to keep on top of the workload. Interestingly, and perhaps reflecting the changing composition of the Council, the total diplomatic staff formally accredited by all Council members to the Security Council listed in the "Blue Book" issued by the UN Protocol Office is now 9.3 percent less than

in 2005. It seems clear that not all Council members notify UN Protocol for inclusion in the "Blue Book" of all the staff members who actually work on Council matters. Accordingly, we compared the total numbers of mission diplomatic staff of all Council members for this period. This calculation still shows a 7.2 percent reduction over the same period. The statistics for the permanent members (P5) of the Council have remained relatively stable, with slight increases in some cases. However, for elected members (E10) the picture is significantly different. Currently there are 25 percent fewer diplomatic staff from E10 members listed as accredited to the Council than in early 2005.

The September 2005 World Summit considered reform of the Council's working methods. Its outcome document recommended that the Council:

continue to adapt its working methods so as to increase the involvement of States not members of the Council in its work, as appropriate, enhance its accountability to the membership and increase the transparency of its work.

It also recommended that the Council review the operation of its Military Staff Committee.

In 2006, partly in response to the Summit decision, but also due to the patient and effective leadership within the Council of Japanese Ambassador Kenzo Oshima, the Council revived its Informal

Working Group on Documentation and Other Procedural Questions and elected Oshima as its chairman—a position which he held for twelve months. This Group had been in existence for many years, but largely dormant in recent times, in part because there was never any continuity of chairmanship (the chairmanship rotated every month with the chairman being also the president of the Council). On 19 July, after a very active period of work under Japanese leadership in 2006, the Group recommended, and the Council approved, the outcome of the Group's negotiations. This was publicised as a note by the president of the Security Council (S/2006/507). The note contained a list of practices and measures aimed at enhancing the efficiency and transparency of the Council's work as well as improving interaction and dialogue with non-Council members. Much of the note related to consolidation of measures previously agreed to on an ad hoc basis. But it also contained many new developments.

In 2007, the Council agreed to continue the Informal Working Group under a single chair, in this case Slovakia. It has focused on the implementation of the practices set out in the 2006 note. There seems to have been a reasonable level of interest, at the ambassadorial level, in this issue in 2007. It was raised at the May ambassadors' retreat organised by the United States, but as yet the Group has not achieved the same level of momentum as in 2006.

Reform of the Council working methods has also been a major part of the long-running discussions in the General Assembly on Security Council reform. Recently, a group of five states known as the "Small Five" or the S5 (Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland) decided to intensify discussion of this issue and launched an initiative under a separate track. They circulated a draft resolution in 2006 under the agenda item "Follow up to the Millennium Summit", calling for measures aimed at better interaction between the Council and the membership at large. That draft was not put to a vote, but consultations on this initiative have continued.

This Special Research Report will outline the history of the working methods issue and provide some analysis of what has been achieved by way of improvements and what seems to remain for further negotiation. It includes analysis of the following:

The Council's "Provisional" Rules of Procedure

Right at the outset of the United Nations' existence, the issue of Security Council working methods proved to be difficult and divisive. The Executive Committee of the UN Preparatory Commission was tasked with drafting Rules of Procedure. After lengthy debates at the Commission level a draft was presented to the Council for adoption at its first meeting on 17 January 1946. The Council proceeded to discuss the draft for the next five months and in late June that year decided that it could not agree on a definitive set of rules to govern its working methods. Accordingly, it only adopted "Provisional" Rules of Procedure. These provisional rules have continued almost unchanged. The last revision was in 1982. This simply updated the document to include Arabic as an official language. They are still considered provisional to this day and constitute the only official set of rules guiding the Council's working methods.

Some Council members have insisted that only the Council has competence to discuss its methods and manner of work. But on at least one occasion, the General Assembly decided explicitly what the Council should do and how. In resolution 11(1) of 24 January 1946 the Assembly established working methods and procedures governing the Council's role in the selection of the Secretary-General. (It is perhaps relevant that the Council was at the time deadlocked on procedure.)

While the rules of procedure remain frozen in their provisional form, informal procedures and practices in effect now govern much of the way that the Council operates in practice. Over the years, and particularly since the end of the Cold

War, aspects of the Council's working methods have evolved considerably. But this evolution has tended to be ad hoc and often is not contained in any formal—or transparent—Council decision. Some of the changes in procedures and working methods have been captured in successive notes by the president of the Security Council. However, often the language is drafted in aspirational terms rather than as a firm commitment. Moreover, processes within the Council seem to have become increasingly complex and layered, making it difficult not only for outsiders but also for newly elected members to understand. All these factors seem to have reinforced wider concerns about transparency and participation, despite the successive and substantial efforts to improve working methods.

As far as can be ascertained, in recent memory there have not been any proposals from Council members to change the status of the Rules of Procedure. By default, the rules are thus never discussed. Some observers agree that there are pragmatic reasons to keep the rules in their provisional form, giving the Council more flexibility and allowing it to adapt better and faster to the changing international environment. Others note that it is precisely this obscurity and uncertainty that dulls its capacity to deal with emerging issues energetically and flexibly.

Early Pressure for Reform and Initiatives in the Council (1993-2005)

On 17 February 2006, at the Council's request, the Secretariat issued a list of the previous efforts made by the Council between 1993 and 2005 to address concerns about working methods (S/2006/78). The list contains 57 entries. Although it seemed at face value a very substantial list, the Council was aware, not least from the Summit Outcome Document and the ongoing criticism in the General Assembly, that there was still a large measure of dissatisfaction. It is probably no coincidence that the Council, at about that time, decided to mandate its Working Group to take up the issues in a substantive way.

The process of reform of working methods really began in 1993 and followed a very important development in terms of the Council workload. At that point the Council had become a body that was virtually continuously in session. It was also a body that had emerged from relative obscurity to being at the centre of major world events. Consequently, it generated a lot of interest from the media and also, perhaps most of all, from the wider UN membership.

In order to accommodate this increased workload, and to cope with continuous discussion on often very sensitive issues, another important change also occurred. But it was in the opposite direction. The Council actually became significantly less visible. This was due to the practice of convening the vast majority of its meetings in a separate consultations room. (This room was built in 1979, but it was only in the 1990s that it came to be used very frequently.)

To all intents and purposes, much of the substantive work of the Council now shifted from the Council chamber, where it met in public, to informal consultations, held in private. This, coupled with concerns about the substance of many of the decisions being taken by the Council, began to fuel challenges to its legitimacy and process. These concerns included complaints that many of the checks and balances built into the Charter were being bypassed.

In 1993, the Council started addressing some of the problems. Several initiatives were launched reflecting concern by some Council members about the need to make the body more transparent and accountable, as well as more efficient and capable of handling various crises at once in the course of any given day, week or month. A particular focus was concern about the need for a greater participation of the membership at large as well as a fuller and more equal participation of the elected Council members.

The first significant development was an attempt to address the accountability and transparency concerns. In June 1993, during the presidency of Spain, a note by the President of the Security Council was approved (S/26015). It focused on changes to improve the format of the Council report to the Assembly and reflected the Council's new willingness to adopt the draft report in a public session of the Council. It also contained a decision to start publishing presidential statements in a more accessible way with document symbols which showed the year of adoption. This new format began in 1994. Perhaps most significantly, the note recorded an agreement to start publicising the daily work programme for Council meetings in the *UN Journal.*

The second development was in 1994. It focused on the participation issue. This was launched jointly by Argentina and New Zealand and addressed initially the need for better participation for troop-contributing countries. Some initial decisions were adopted and reflected in a presidential statement in May (S/PRST/1994/22). But further discussions in informal consultations became deadlocked, so the two countries requested an open meeting of the Council. Their position was set out in a letter of 18 September 1994 (S/1994/1063). From outside the Council came letters of support from Egypt, Turkey, Ireland, Uruguay, Austria, Portugal,

Denmark, Finland, Norway and Sweden. As a result, a number of improvements were agreed upon and were reflected in a presidential statement (S/PRST/1994/62).

As the list of reforms published in February 2006 shows, a large number of incremental reforms followed over the next decade in response to the three major concerns—transparency, accountability and participation.

Accountability and Transparency: Information Coming Out of the Council

The report of the Security Council to the General Assembly, which under article 24(3) of the UN Charter must be submitted annually, is the most visible source of information about the work of the Council. However, it has continued to be a major focus of criticism by non-Council members in terms of accountability.

The initial reforms relating to the annual report that were adopted in 1993 were in fact quite minor. The Council had agreed that the draft report should no longer be regarded as a confidential document right up to the point of its adoption. Instead it had agreed that the draft would be adopted in a public meeting and it would be made available to interested member states prior to adoption. These reforms did not reduce the levels of dissatisfaction.

In 2002, the Council took up the issue again, largely at the initiative of Singapore. The outcome was a note entirely focused on the annual report (S/2002/199). At face value it seemed that it might result in major substantive changes to the content and the adoption process of the Council's report. It was decided that

the report should be significantly shortened and made more informative. Particularly interesting, however, was the decision regarding the introduction. Until 2001 this had been a short piece that simply described what was contained in each of the sections and listed all earlier documents relevant to the annual report's format. In 2002, as a result of the Singaporean initiative and intensive work and strong commitment by several delegations, particularly several representing elected members, it was agreed that the introduction would became an analytical piece, seeking to capture the most important moments in the year under review, assess the Council's ability to deal with problems at hand and also signal difficulties and areas where improvements could be made. Members agreed, with this in mind, that the introduction from that point on should be drafted earlier and, accordingly, that the July presidency should prepare the first draft.

Another innovation in 2002 was that the public meeting at which the report was adopted could include the opening of a speakers list to enable a public debate on the content prior to its adoption. However, it is notable that in recent years it seems that Council members have been unwilling to sustain the effort required to follow the 2002 practice. The introduction has become longer but the analytical content disappeared. While the draft continues to be adopted in a public session, there has never again been public discussion of its content.

During successive General Assembly meetings, members have continued to raise concerns about what they see as the inadequacy of the annual report. At a 19 July 2007 informal meeting of the Open-ended Working Group on the Question of Equitable Representation on and Increase in Membership of the Security Council and Other Matters

Related to the Security Council, for instance, some members renewed the call for a more analytical report that would, among other things, provide rationales for the Council's major decisions.

The issue of closed meetings, mentioned above, was clearly another important factor which contributed to the sense that information out of the Council had deteriorated, especially the increasing shift from open to closed meetings. For forty years, the Council had conducted most of its business in public meetings. But by the early 1990s, a large portion of Council work was being done in private. Finding out what went on behind these closed doors became an important and difficult preoccupation for delegations not on the Council.

Briefings of non-members became another important issue in terms of the transparency debate in the mid 1990s. In response to the perception that structured briefings would help to address concerns about lack of information coming out of the Council, initially individual delegations but increasingly, as a result of reforms agreed within the Council, the presidency started briefing non-members more or less routinely following closed meetings. (According to a statement made by the British Permanent Representative during an open debate on Council working methods held in December 1994, the first such presidential briefing was conducted by the UK on 27 October 1994.) However, it seems that in the years that followed institutionalised briefings by the presidency disappeared. It seems that in part this was due to the fact that many non-members found the briefings became too bland.

Media interest in the Council increased significantly during the 1990s. Members slowly became more responsive and available to the media. The first organised briefing to the media to summarise

a presidency was held by Sweden in 1998, followed by Bangladesh and Canada in 2000, but these post-factum meetings were later abandoned. Again, it seems that demand dried up because of the blandness of the briefings. In April 2001, the UK gave the first ever forward-looking briefing to the press about the presidency at the beginning of the month. Bangladesh, France and Ireland followed suit that same year when they began their respective presidencies. In 2002, nearly all elected members and China joined the trend of providing an oral preview of their presidency to the media, and in 2003 all presidents briefed reporters at the outset of their presidencies. Since then, media briefings by the incoming Council presidency have been routine (with the exception of the United States, which conducted one such formal briefing, in October 2003, but since then seems to have an objection in principle to the process).

In recent years, most presidents have been generally accessible to the media on their way in and out of the Council, with their comments being webcast live and later available through the UN webcast archives.

Wrap-up sessions also emerged as a response to the concerns about accountability and the availability of information out of the Council. In 2001, members agreed that interactive wrap-up sessions at the end of a presidency would be a useful response. Merit was seen in sometimes including the participation of the Secretary-General. It was thought by many that such sessions could help to analyse the events of the month, assess the Council's contribution (including working methods) and look for possible lessons learned. A total of 13 such sessions were held over a stretch of five years.

In June 2001, for the first time, the Council held a wrap-up session in public (S/PV.4343). Several members chose to discuss working methods. In the next few years, several presidencies—all of them elected members—conducted such wrap-up sessions, some of them in public and others in consultations. Those held in public allowed a rare glimpse into the ongoing internal debate on working methods. After a peak of five in 2003, the number of these sessions decreased. The level of participation of Council members dropped with ambassadors often skipping the sessions. Eventually in 2005 the number fell to one and disappeared completely after the wrap-up session by the Brazilian March 2005 presidency (S/PV.5156). It seems that P5 members in particular were critical of the wrap-up sessions believing that the sessions had lost substantive content and became little more than an opportunity for the presidency to showcase its role during the month. Another factor which led to the general discomfort about these sessions was the disagreement they generated within the Council about the issue of involving non-members.

In a 1997 note, the Council decided that representatives who had completed their functions as president of the Security Council might wish to prepare brief assessments of their work in that capacity, under their own responsibility and not to be considered as representing the views of the Council and that these assessments would be attached to the annual report to the General Assembly (S/1997/451). Even though the note made these assessments optional, they have been done regularly by virtually all presidents. These documents tend to contain no analysis, but rather simply list events while highlighting some. Most assessments come out several months after the end of the presidency.

Transparency and Participation: Information for Member States about the Upcoming Work Programme and Imminent Decisions

The growing numbers of activities undertaken by the Council have brought with them a much enhanced impact on the membership at large. Issues such as troop contributions required for major new peacekeeping missions or new sanctions regimes imposed by the Council created considerable new burdens and responsibilities. For the wider membership, which bore the bulk of the burden in respect of many of these Council decisions, there was a natural demand from capitals for better warning of likely decisions and better opportunities for input. Many non-members of the Council expressed concern about just being passive recipients of decisions and news after the event.

Knowing what the Council was likely to discuss, why and when was one of the most basic hurdles encountered by non-Council members hoping to have any kind of impact on the Council's work. The obscurity and lack of transparency inherent in the Council's working methods left most UN members extremely unhappy on all these fronts. Even within the Council, process was often obscure for elected members.

The first problem to be addressed was the notification in the *UN Journal* of the timing and agenda for closed informal consultations. As detailed above, the Council reached agreement on including formal meetings in the *UN Journal* in June 1993. However, it was not possible at the time to reach agreement on including informal consultations in the *UN Journal.* Permanent members of the Council resisted for some time any kind

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of official recognition of the consultations which they insisted were not meetings of the Council, but rather an informal gathering of the members of the Council in their individual capacities. The significance of this of course was that the Provisional Rules of Procedure did not apply to the consultations. Eventually, however, agreement was reached—with the result that both the timing and subject of upcoming consultations are now publicly available.

By late 1994, it had become standard practice to announce informal consultations in the *UN Journal.* Nevertheless, neither the content of these discussions nor summaries of them are made public, for reasons alluded to above.

A new and related issue, however, has arisen in the past five to seven years. In the 1990s—and certainly for several years after the issue of publicising meetings of informal consultations in the *UN Journal* was resolved—the first appearance of new proposed resolutions, and the vast bulk of the negotiation on draft resolutions, took place in informal consultations. The consultation room was in practice the centre of political interaction on all issues. By contrast, in recent years the consultation room has become less important. In practice, experts' meetings are now the key focus of interaction between Council members.

Most drafts of resolutions and statements are now first floated outside the consultation room, either in experts' meetings or by email to experts. The bulk of the negotiations are undertaken in these groups—often for many weeks. The resolutions very often are in final form before they ever come to informal consultations. At times, elected members of the Council have complained that as a result, ambassadors play too small a role until it is too late for meaningful input.

For UN member states outside the Council, the concern is that there is no predictability or publicity about the experts' meetings which sometimes take place outside the UN buildings. This situation is seen by some as a sign of the Council going backwards in terms of transparency about the Council's work. Others see the Council as going "even further underground" and significantly undermining the transparency achieved by having meetings announced in the *UN Journal.*

A separate development, which was important in terms of increasing transparency, flowed from an effort made by the Secretariat in the 1990s to assist Council members. This involved production for Council members of two unofficial regular papers. The first was called a "tentative forecast" of issues for the upcoming month. The second was called "the draft programme of work". The draft programme of work was a type of calendar to be prepared each month jointly by the Secretariat and the incoming presidency. (Its role was intended to be provisional, since the Council can and almost always does change the programme of work as the month unfolds.) Currently the programme of work follows this pattern but, in addition, it is usually approved by Council members at the level of coordinators and agreed prior to or on the first working day of the month.

The Council **calendar** or "Programme of Work" became readily available as early as 1998. In April 1998 a Council note stated that the president should make the Council calendar available to all member states (S/1998/354). Once the web page of the Council was developed, the calendar has been posted there at the outset of each month.

The **tentative forecast** was foreseen as a kind of rolling schedule of mandate expiry dates, review dates and scheduled reports. For Council members it proved to be a useful tool for many years. However, the story of efforts to disseminate it more widely illustrates some of the difficulties surrounding Council working methods. In July 1993 a presidential note indicated that Council members had agreed that the Secretariat should make the tentative forecast available for information to all member states once it had been transmitted to all members of the Council (S/26176). Although the tentative forecast contains nothing confidential and simply lists descriptions of all the issues likely to come up on the Council schedule during the month ahead as well as a list of upcoming reports and dates of the expiry of the different mandates, for years it remained difficult for outsiders to access, notwithstanding the 1993 decision.

Following the 1993 note, a system was developed under which the wider UN membership who wanted a copy could pick it up from the Secretariat. Many were apparently not even aware of this possibility. Others criticised it as unnecessarily cumbersome. In 1998 the Council issued another note in which it stated that each month the *UN Journal* should contain a reminder that "copies of the tentative forecast have been placed in the delegations' boxes and may be collected at the delegations' pick-up area" (S/1998/354). This system remained in place, essentially unchanged, until 2006. Delegations often complained that copies were available too late to be useful and that having to pick them up (as opposed to having them faxed, or in more recent years emailed, to the missions) was an obstacle.

In May 2002, during Singapore's presidency, the country's mission posted the tentative forecast on its website. It was not until 2006, under the Japanese leadership of the Informal Working Group,

that the Council finally resolved the issue with agreement that the tentative forecast (in a somewhat shortened form) could simply be posted on the web page of the presidency as soon as it was finalised. That system has been in place since August 2006.

Participation: Opportunity for Outsiders to Make Effective Input to Council Decisions

Troop-contributing countries (TCCs) were, as mentioned above, the Council's first target of efforts to improve the sense of participation by outsiders. The background to the concerns of the TCCs lay in the huge growth of UN peacekeeping operations in the early 1990s. With this growth came an acute need to expand both the numbers of troops and TCCs. Also, the nature of operations being mounted had become both substantially more risky and significantly more sensitive politically than the traditional peacekeeping of previous decades. For much of the last twenty years, the majority of military personnel provided for UN peacekeeping have been provided from countries not represented on the Council. These non-Council members started voicing their desire to be involved at least to some extent in the decision-making process that would lead to the establishment of a complex and difficult operation for which their troops were being sought. They also wanted to ensure that a system was in place for them to be engaged in the ongoing oversight and management of the force, especially when issues which might give rise to added risk for their personnel were to be discussed.

There was significant resistance to accommodating the concerns of TCCs. It took determined effort over a number of years to obtain an agreement on a progressive series of measures for addressing troop contributors' concerns.

The initial steps came in response to the initiative by Argentina and New Zealand outlined earlier. These were followed by a number of subsequent decisions (including publication of arrangements for meetings with TCCs and procedures for TCC involvement with the Council Working Group on Peacekeeping Operations). Negotiations on TCC participation culminated in 2001 with Council resolution 1353, which decided that formal closed Council meetings, under the Provisional Rules of Procedure, should be held with TCCs prior to the extension of a mandate for an operation.

Initially it seems that troop-contributing countries considered this to be a major breakthrough. The format seemed ideal. However, five years on it seems that many TCCs are even more dissatisfied. The meetings are structured in such a way that effective participation is very constrained. The text of the draft resolution is mostly set in concrete at the time of the meeting and all policy issues have been resolved. It seems that many TCCs now see it as little more than a ritual before formal adoption and rely instead on informal arrangements with the UN's Department of Peacekeeping Operations. The opportunity that had been sought of participation at an early stage, in the form of an interactive relationship on policy issues affecting a peacekeeping operation, seems to remain elusive. By contrast, it seems that some P5 members make the point that TCCs are not making the full use of the opportunity that exists.

Participation of states with interests in issues on the agenda also became an issue in the 1990s. Their concerns raised a similar set of issues. Often the Council took up issues and continued discussing them for long periods without giving member states with interests, let alone the parties, an opportunity to participate in any meaningful way. Complaints were usually met by the response that, if in due course the Council agreed on any action, the possibility of speaking at an open Council meeting when the measure was adopted, could be available.

Many member states found the option of appearing at a formal meeting of the Council, when in practice the decisions had already been established, did not satisfy their concerns. Many argued that, given the evolution of Council working methods during the 1990s, this procedure did not satisfy the provisions of article 31 of the Charter which provides:

Any member of the United Nations which is not a member of the Security Council … may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that member are specially affected.

The language of article 31 seems to give the Security Council discretion in respect of states claiming that their interests are "specially affected." However the discretion is limited only to deciding whether the states interests are specially affected. Often that question is never really in doubt and many consider that in such cases the member state in question has an unqualified right to "participate".

In a similar vein, article 32 provides:

Any member of the United Nations which is not a member of the Security Council …, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote.

Many point out that the language of article 32 actually gives the Council much less discretion. It is suggested that

states who are parties have a clear right to participate.

A closely related issue is what is meant by the word "participation". Most of the protagonists on this issue outside the Council would not go so far as to say that the right should extend to all meetings in informal consultations. On the other hand many would assert that, given the fact that most of the important business takes place outside the formal Council chamber, some proxy solution allowing meaningful participation in informal processes is essential.

Concern about this issue of participation has tended to fuel some of the determination to secure reform of the Security Council. It also lies behind many of the challenges that have been heard about Council legitimacy. At one end of the spectrum are some states with deep grievances about the way the Council has treated them in past years. But there seems to be a large number who also believe in the need for real due process—especially when issues of significant national interest are at stake or specific concerns relating to proposed sanctions have been identified. They assert the need for some reasonable and structured opportunities to participate in discussions at a sufficiently early stage for their perspective to be taken into account and perhaps, at times, to facilitate working towards negotiated outcomes.

The Council did explore in the 1990s various options for more interactive formal meetings. In late 1994, France proposed that the Council should hold **orientation open debates** at the time when the Council is beginning to consider an important issue. This would allow members at large to express their views, as well as hear public exchanges of views between members of the Council. France requested an open debate to

discuss this initiative. An open debate on the Council's working methods was held on 16 December 1994, and provided enthusiastic feedback from many Council and non-Council members. Following that debate, the Council adopted a short presidential statement in which it declared that "as part of its efforts to improve the flow of information and the exchange of ideas between members of the Council and other United Nations Member States … there should be an increased recourse to open meetings, in particular at an early stage in its consideration of a subject" (S/PRST/1994/81). Yet, this resolve did not seem to translate into action. In 1996, several such orientation debates were held on specific country or regional situations but since then this option appears to have been abandoned or forgotten.

Perhaps the emergence of the new category of **thematic open debates** played a role here. Starting in the late 1990s, these have become quite frequent and on certain issues (e.g. women, peace and security; protection of civilians in armed conflict; children and armed conflict) they continue to be held regularly. Some thematic debates have served as a forum to exchange views on specific areas of UN activity (such as peacekeeping or demining) or to discuss new phenomena affecting security issues (HIV/AIDS, the role of diamonds in conflict, climate change). Several delegations, especially those representing elected member states, took to planning a new thematic issue as a special event for their presidency, with an open debate often to be presided over by the country's foreign minister. However, the initial idea behind the French 1994 proposal of holding an open debate at the outset of the Council's consideration of a country-specific subject seems to have been lost.

Another important issue for members at large who want to participate effectively has been the **availability of draft** *decisions* before they are adopted. In 1994 the Council agreed to make draft resolutions available for collection by all members on the day or one day after they were introduced in blue. In 1999, members of the Council agreed that:

henceforth, in the absence of agreement to the contrary, the President of the Council should make draft resolutions and draft presidential statements available to States that are not members of the Council as soon as they are introduced within informal consultations of the whole.

This was seen as a useful step forward, giving the wider membership a little more time and a chance to react. Again, one mission, Bangladesh, experimented with the use of the internet to speed up the process by posting drafts on its mission's website during its March 2000 presidency. Some Council members were unhappy with this initiative.

Ultimately, the early availability of drafts tended to hinge on the decisions of individual permanent representatives holding the presidency. Practice varied and complaints about this aspect of Council working methods from the membership at large re-emerged.

For many members one particularly sore point related to the early circulation of drafts to journalists. It seems that on occasion P5 members had shared drafts with the media before they were circulated among all the members. Some referred to resolutions "being put in blue by *The New York Times*."

At times, elected members of the Council also seem to have experienced participation problems, particularly when drafts had been negotiated only among

the P5 or in their capitals and then presented to the full 15 for adoption. In February 1999 a note from the president (Canada) signalled concern about this issue (S/1999/165):

It is important that all members of the Security Council be allowed to participate fully in the preparation of the resolutions of the Council and statements by the President of the Council. Contributions by members of groups of friends and other similar arrangements, which, inter alia, aim at helping to promote the settlement of particular crisis situations, are welcome. The drafting of resolutions and statements by the President of the Council should be carried out in a manner that will allow adequate participation of all members of the Council. While the need is recognized for the Council, in many instances, to adopt its decisions expeditiously, sufficient time should be allowed for consultations of all members of the Council and for their own consideration of the drafts, prior to action by the Council on specific items.

The 2006 note produced under the leadership of Japan also included commitments to conducting drafting of all documents "in a manner that will allow adequate participation of all members of the Council," suggesting that there were still concerns about implementation of the commitments expressed in the 1999 document.

Working Methods of Subsidiary Bodies of the Council: Special Issues of Transparency and Participation

The 1990s are sometimes called the "sanctions decade". Indeed, from a rarely used tool, during this decade sanctions became an important tool to which the Council increasingly resorted in its attempts to change behaviour. But, in order for the Council's sanctions decisions to be implemented, cooperation from other member states is necessary, and in recognition of this, already by 1995, the Council had agreed to improve information about the work of its **sanctions committees.** In response to criticism of unduly closed sanctions committee processes, it endorsed increased use of press releases, and agreed that in some cases closed meetings of the sanctions committees could hear comments by states and organisations regarding issues arising from implementation of sanctions imposed by the Council (S/1995/234; S/1995/438). In 1996, it agreed that chairs of the sanctions committees should brief interested member states following each meeting (S/1996/54). It was also agreed to include information about sanctions committees in the Council's annual report to the General Assembly (S/1997/451).

However, certain aspects of working methods relative to sanctions have proven to be extremely sensitive and difficult to resolve. In 2000, the Council established an Informal Working Group with a mandate to develop general recommendations on how to improve the effectiveness of United Nations sanctions. The issues the Working Group was supposed to address included: working methods of sanctions committees and inter-committee coordination; design of sanctions resolutions including the conditions for maintaining or lifting of sanctions; pre- and post-assessment reports and the ongoing evaluation of sanctions regimes; monitoring and enforcement of sanctions; and unintended impacts of sanctions. The Group was supposed to complete its work in less than eight months. This work was, indeed, almost completed nearly within the assigned time, and a press briefing was scheduled to inform the media about the results, when it was abruptly cancelled due to the lack of agreement on one issue, that of term limits on sanctions. For several years, the Working Group was unable to make any progress.

Following the attacks of 11 September 2001 and the subsequent sharp increase in the listing of individuals and entities to be targeted by sanctions, there were complaints from member states about the ways the Council conducted its listing and delisting activities. As a result, the issues before the Working Group became even more complex and contentious. It was not until the end of 2006 that the Group was able to produce a consensus final report of which the Council then took note in a resolution which also decided that the Working Group had completed its mandate. (For more details please refer to our January and February 2007 *Forecasts.*) It seems that some amongst the wider UN membership remain unpersuaded that the 2006 decisions have resolved the issues. However, there seems to be no enthusiasm within the Council at this stage to reactivate the Working Group on Sanctions.

The **Working Group on Children and Armed Conflict** established by resolution 1612 in July 2005 provides an interesting example of the Council's ability to develop working methods as needed for new tasks, as well as to involve non-members as part of an effort to ensure implementation of its recommendations, in this case on stopping the recruitment and use of children in armed conflict. The resolution, as such, gave the Working Group little guidance on working methods. In a fairly unusual move, since most subsidiary bodies are chaired by elected members, the Council decided that the French Permanent Representative Jean-Marc de la Sablière

would lead the Group. In another departure from the usual practice, it seems that the Group was relaxed about entrusting its Chair to develop innovative and flexible terms of reference for the Working Group.

Of particular interest among the several issues covered in the terms of reference are those aimed at achieving participation of the wider UN membership as well as other actors. Even though the Group meets in closed sessions, it decided that it may invite any member state to participate in the discussion of any question brought before the Group, particularly when a member is specifically concerned. This has allowed the representatives of countries whose situations are being discussed to attend and give their feedback and has been generally seen as helpful in achieving implementation of the Group's recommendations.

The Working Group also decided that it may invite members of the Secretariat or other persons whom it considers competent for the purpose to supply it with appropriate expertise or information. And indeed, members of the Secretariat have attended most meetings whereas other outsiders, such as members of NGOs, have briefed the Group in meetings similar to "Arria formula" sessions—another innovation in the practice of a subsidiary body.

The high-level political commitment and energy that France put into this subject probably accounts at least partially for the progress achieved in the development of working methods. France played an active role since the Council first took up the problem in 1999, and its leadership of the Group over a sustained period of more than two years has afforded the subsidiary body enough time and continuity to see matters brought to fruition, a situation that other subsidiary bodies do not always enjoy.

In recent years other innovative developments involving subsidiary bodies included the following:

■ The establishment (outside New York) in 1991 of the United Nations Compensation Commission (UNCC) under resolution 692. The UNCC sits in Geneva and it was set up to assess compensation payable to victims of Iraq's aggression against Kuwait. At its peak, the UNCC employed some 300 staff. It processed over $52 billion in claims.

■ The establishment of panels of expert advisors, serving in their individual capacities, to support sanctions committees with research, analysis and field investigations. (There are currently six such panels supporting the 12 committees.)

■ The establishment in 2004 under resolution 1535 of the Counter-Terrorism Executive Directorate (CTED) to support the Counter-Terrorism Committee. The CTED now comprises 36 staff and is headed by an Assistant Secretary-General.

Interaction with NGOs

With the dramatic surge in Council activity and the widening of the spectrum of issues on its agenda in the first years after the end of the Cold War, there was a parallel growth of interest on the part of outside actors, in particular NGOs. Whereas, based on the Charter, the UN had developed arrangements for NGO contacts with the Economic and Social Council and its associated bodies, which carried over to various UN conferences, nothing had been developed to specifically address relations between the Council and NGOs or, for that matter, between the Council and any other non-state actor.

The first systematic process for incorporation of input from NGOs was born during a crisis. In 1994 when the genocide began in Rwanda it was NGOs that had the widest presence in the field and were best able to report the true dimensions of what was actually unfolding throughout the countryside. In this situation the president of the Council adopted a practice of meeting each morning with organisations like Médicins

Sans Frontières and the International Committee of the Red Cross and relaying their perspectives to the members of the Council in informal consultations.

In the early 1990s, Council members had also begun having informal (and initially only bilateral) contacts with NGOs that were deemed to possess information or expertise that could assist the Council in its work.

Subsequently, as interest grew among elected members in developing more general connections between the Council as a whole and the NGO community, various objections from permanent members began to emerge. For example, in the mid 1990s permanent members rejected the idea of holding a monthly meeting with a group of NGOs, collectively called the NGO Working Group on the Security Council, by the Council presidency.

A few years later, however, in 1997, the US took a unilateral initiative to agree to a group NGO briefing during its presidency. Since then, nearly all presidencies, including all permanent members, have met with the NGO Working Group. Several delegations have regularly met with the NGO Working Group outside the presidency period. These meetings have resulted in a practice of increased interaction and, directly or indirectly, have facilitated several other types of interface, such as bilateral meetings, briefings, and occasional invitations

from the Council to NGO representatives to address the Council.

Virtually all forms of interaction between the Council and NGOs have been sanctioned by practice as opposed to Council decisions, though the 2006 note prepared by the Working Group on Working Methods and referred to above did reflect the desire to continue the practice of meeting with local NGOs during Council travel and inviting NGOs to Arria formula briefings.

The **Arria formula briefings** mentioned above deserve mention as an interesting meeting format and a vehicle for Council interaction with outsiders. An informal non-paper prepared by the Secretariat in October 2002 captures the gist of the Arria formula meetings' early nature and function, describing them as "very informal, confidential gatherings which enable Security Council members to have a frank and private exchange of views, within a flexible procedural framework, with persons whom the inviting member or members of the Council (who also act as the facilitators or conveners) believe it would be beneficial to hear and/or to whom they may wish to convey a message. They provide interested Council members an opportunity to engage in a direct dialogue with high representatives of Governments and international organizations—often at the latter's request—as well as non-State parties, on matters with which they are concerned and which fall within the purview of responsibility of the Security Council."

This type of a meeting is named after former Venezuelan Ambassador Diego Arria. While Council president in March 1992, Arria was contacted by a Croatian priest who had just come out of the Balkan conflict zone and was eager to convey his eyewitness account to mem-bers of the Council. Not being able to find a formal way, Ambassador Arria simply invited his fellow ambassadors to meet with the priest in the delegates' lounge. This experience gave Arria the idea of institutionalising an innovative process for future use and he first proposed it in the Council's informal consultations, it came to be known as the "Arria formula". It was used to accommodate a request to meet with the Council from the Bosnian President Alija Izetbegovic. With the concurrence of Council members, therefore, subsequent Arria meetings moved from the lounge to a conference room in the basement, and were supported by simultaneous interpretation. But their informal and flexible character prevailed for years.

The Arria formula meetings have been used primarily in recent times for meeting with groups of NGOs. But they have also been used for interaction with other actors, including:

■ informal meetings with high-level delegations from member states not represented on the Council (Arria meetings were sometimes convened for special meetings with visiting heads of state who wished to meet with the Council—for instance in the 1990s such meetings were held with the president of Croatia and the president of Georgia. However, now there is more often a tendency to use "closed" formal meetings of the Council for this purpose);
■ representatives of non-state actors; and
■ leaders of territories not recognised as states but key actors on issues before the Council. (A recent example was the Arria meeting convened to meet with the President of Kosovo Fatmir Sejdiu on 3 April 2007.)

It is increasingly common, however, to hear criticism of Arria meetings on the basis that they are not nearly as effective as they used to be. This may be due to the fact that such meetings seem often not to be attended by Council members at senior levels and the discussion is very limited. Sometimes only the convening delegation is represented by an ambassador, and this is being interpreted as a signal that Council members are not seriously interested in them.

Council Effectiveness and Efficiency

A key test which is often brought into play—especially by permanent members—when Council members are considering reform, is the efficiency and effectiveness of the Council. The huge increase in the workload of the Council which began in the 1990s inevitably has had an impact on the willingness and capacity of members to accommodate new ideas, especially if those ideas would place additional time burdens on the shoulders of already overworked delegations and Secretariat staff.

Accordingly, in parallel with efforts to improve Council working methods in response to concerns from outsiders, Council members began looking at ways to improve internal efficiency and effectiveness. A range of proposals therefore emerged to streamline the way in which the Council conducted its daily business:

■ encouraging stricter discipline regarding the beginning of meetings;
■ reducing the length and number of repeated interventions;
■ encouraging members to skip some elements of the diplomatic protocol (e.g. repeated congratulations on the assumption of the presidency during the first debate of every new presidency); and
■ adopting a system of designated

"coordinators" in each of the 15 delegations who were to be the principal points of contact on major issues.

In addition there has been increasing interest in finding ways to delegate portions of substantive issues, either to subsidiary bodies or to informal groups of experts (usually more junior mission staff members with a specialty in one or a few selected issues). As indicated above, the latter has now become an entrenched feature of the Council's method of work—resolving some internal efficiency issues but raising a new set of transparency problems and concerns by outsiders. Given the finite number of hours in a day, this may be the most practical method of handling all the issues simultaneously, yet it seems that the de facto removal of the nitty-gritty arena of Council work from the consultations room to other more remote venues has had a further negative impact on the overall dynamics between the Council and its wider constituency.

An important efficiency issue, relating to the **capacity of newly elected members,** came to the fore in late 1993. At that time it became clear that a newly elected member, the Czech Republic, would start its term by holding the presidency in January. In light of this fact it was agreed, as an exceptional measure, that the Czech Republic could attend consultations during the month of December in order for the permanent representative and his deputy to familiarise themselves with the Council's working methods and issues on the agenda.

But it was not until November 1999 that the Council agreed (during Slovenia's presidency) to allow all newly elected members of the Council to be invited to observe the informal consultations of the Council for one month immediately preceding their term of membership. This procedure was later solidified by a note issued in February 2000 (S/2000/155). In 2002 this invitation was extended to also cover formal meetings of the subsidiary bodies and for elected members whose presidency would fall during their first two months on the Council, to two months instead of one. In 2004 another note extended that previous invitation to include attendance at informal as well as formal meetings of the subsidiary bodies (S/2004/939).

In recognition of the fact that a better grasp by newcomers of the Council's dynamic and of its main conceptual issues benefited the Council as a whole, since 2003 incoming and current members, mostly at ambassadorial level, have participated in an annual retreat organised jointly by the Finnish mission and Columbia University's Center on International Organization, in cooperation with the UN Secretariat. These annual workshops have afforded opportunities for informal and in-depth discussions of some key practical and conceptual issues facing the Council. (The idea of holding such a seminar was first proposed by the then UK Permanent Representative Jeremy Greenstock.)

Oversight and management of specific peacekeeping operations also became an important efficiency issue during the 1990s. The growth in size of peacekeeping operations, the more risky environments into which they were being deployed and the emergence of serious operational challenges for peacekeepers in the field, led Council members to become much more sensitive to political risks. They began to consider the need for different oversight practices than had prevailed during the earlier period of more "traditional peacekeeping". In the past, Council members had been content to leave the detailed oversight to the Secretariat. But as problems began to emerge in Somalia and the former Yugoslavia there was pressure for more effective and efficient processes.

The situation was further complicated by the fact that the then Secretary-General, Boutros Boutros Ghali, responded negatively to the Council's increased interest in the details of operations. He accused the Security Council of trying to micromanage him. A particular bone of contention was his refusal of a number of requests from the Council to allow Special Representatives of the Secretary-General to brief the Council. This came on the heels of his direction that the responsible Under Secretaries-General for peacekeeping and political affairs should not appear before the Council either. (This changed with the next Secretary-General, Kofi Annan, who addressed the Council frequently and during whose tenure Under Secretaries-General and Special Representatives briefed the Council regularly.)

These concerns led the Council to request a process of regular daily updates from the Secretariat at the beginning of informal consultations each morning on important developments being reported from the field.

Moreover, in May 1994, the Council adopted an extensive presidential statement on its role in respect of peacekeeping operations (S/PRST/1994/22). This covered:
- criteria for establishment of operations;
- review of operations;
- communication with TCCs;
- stand-by arrangements;
- civilian personnel;
- training;
- command and control; and
- financial and administrative issues.

In the statement the Council said:

The Security Council notes that the increasing number and complexity of peace-keeping operations…may require measures to improve the quality and speed of the flow of information available to support Council decision-making. The Security Council will keep this question under consideration.

The Security Council welcomes the enhanced efforts made by the Secretariat to provide information to the Council and underlines the importance of further improving the briefing for Council members on matters of special concern.

It had already become clear that detailed briefings at the permanent representative level was not always the most effective or efficient way of delivering the necessary information, but with the Military Staff Committee effectively defunct, there seemed to be no alternative.

In the context of the negotiation of the May 1994 presidential statement, there had been a proposal to try to establish a more efficient framework that would enable Council members to be briefed on military and operational developments in a regular and structured way—but at a level lower than the informal consultations. The proposal involved two possible alternatives. The first was a suggested resolution establishing a Security Council committee for monitoring the major peacekeeping operations—to be comprised of all members. It would have a specific mandate to meet regularly with the Secretariat, and the force commanders and Special Representatives of the Secretary-General whenever possible. It would also be authorised to include TCCs in its meetings to discuss significant developments relating to specific operations. The second was a less

formal approach involving a presidential statement and the establishment of a Working Group, with similar responsibilities. However, at the time both approaches met resistance within the Council—although in the May statement the Council said it would keep the question of possible additional machinery "under review".

During the latter half of the 1990s, when the number of peacekeeping operations dropped significantly, the procedures for regular briefings in informal consultations seem to have lapsed. Eventually the Council did decide to establish a Working Group on Peacekeeping Operations in a presidential statement in January 2001 but the Group was not mandated to take on any kind of responsibility for systematic oversight (S/PRST/2001/3).

In recent years, many of these concerns about the efficiency of the Council's oversight capacity have re-emerged. This in part reflects the fact that the size and complexity of operations now exceeds the levels encountered in the early 1990s.

The recent revival of discussion of improving efficiency and effectiveness in this area has also led Council members back to discussion of possible new machinery, including the role of the Military Staff Committee and whether it can be rehabilitated. Under article 47 of the Charter, the Military Staff Committee is composed of the chiefs of staff of the permanent members or their representatives. Its role is to be responsible for the strategic direction of any armed forces placed at the disposal of the Council.

The Council in resolution 1 of January 1946 formally established the Military Staff Committee and mandated as its

first task to establish its organisation and procedure. The Military Staff Committee was unable to fulfil this task due to a political deadlock symptomatic of the beginning of the Cold War, and in July 1948 it formally informed the Council about this fact. The Military Staff Committee has been essentially irrelevant ever since, though technically it has continued to meet. Its meetings are announced in the *UN Journal* twice a month and its rotating presidency (changing in alphabetical order every month among the P5) is usually announced in a press release.

On one previous occasion the Council had toyed with reenergising the Military Staff Committee. It was referred to in Council resolution 665 as a possible tool in implementing specific military measures, namely the 1990 naval blockade against Iraq after its invasion of Kuwait. It was also discussed in the context of the Brahimi report on peacekeeping operations (S/2000/809). While these proposals came from both Council and non-Council members, the Soviet Union and then the Russian Federation, seemed to be the principal advocate for the resuscitation of the Military Staff Committee. However, the wider UN membership seemed reluctant and the Council hesitated to follow through. Perhaps this wider reluctance flowed from concerns that the Military Staff Committee was too tainted by its P5 focus.

The 2005 Summit in its final document requested the Council "to consider the composition, mandate and working methods of the Military Staff Committee." The June 2006 note on working methods contains only one reference to the Military Staff Committee, namely that the description of its work will continue to be included in the Council's annual report to the General Assembly.

It seems, however, that some informal discussions have been taking place in 2007, with the UK suggesting some informal version of the Military Staff Committee so it becomes in effect a working group of the whole Council and thus involving all 15 members in its work.

Russia continues to support reviving the Military Staff Committee pointing out that under article 47(2) of the Charter,

Any member of the United Nations not permanently represented on the Committee shall be invited to be associated with it when the efficient discharge of the Committee responsibilities requires the participation of that Member in its work.

Russia makes the point that under this provision a revived Committee could go beyond the 15 Council members and involve also the troop-contributing countries. At time of writing, the Council appears to be unable to agree on the issue of how best to address the efficiency issues relating to oversight of peacekeeping operations.

The S5 Initiative and the Impact of the wider UN Membership

As mentioned above, Council members—and in particular the permanent members—tend to argue that the Council alone should take decisions about Council working methods. But as explained, the records shows that the issue of working methods has in the past been the subject of General Assembly decisions. Moreover, the Council seems at times to have displayed a considerable degree of responsiveness to discussions of the issue in the General Assembly.

Nevertheless, it is a fact that up until the end of the Cold War, there appears to have been relatively little pressure from the Assembly for the Council to modify its working methods or to become more transparent and accessible to the membership at large. This can be explained by the fact that the Council during the Cold War had a limited role resulting from that era's dynamic. Thus, there was relatively little activity, most of it was in public, and consequently transparency was of less concern to the wider membership.

By contrast, in the period starting in the early 1990s, when the Council became much more active and its importance on the world scene grew dramatically, concerns amongst the wider membership arose. But again, the evidence suggests this was driven only partly by concerns about working methods. It seems also to have had much to do with substantive policy concerns about actual Council decisions.

Prompted by a recommendation from a Non-Aligned Movement meeting in September 1992, the General Assembly in December of that year passed a resolution requesting a report from the Secretary-General on members' views regarding the Council's membership (A/RES/47/62). A year later, the Assembly passed another resolution establishing the Open-ended Working Group on the Question of Equitable Representation on and Increase in Membership of the Security Council and Other matters Related to the Security Council (A/RES/48/26). That Open-ended Working Group has now been in existence for 15 years. While it has not achieved tangible results, it has in practice served as a vehicle for bringing into the open a number of important issues regarding the Council's working methods and seems

to have been indirectly responsible for a slow but steady evolution in those methods. In particular, it has stimulated a number of concrete initiatives both within the Council and from outside.

As we have seen above, the first wave of Council activity on working methods in 1993-94 followed the establishment of the Working Group. It appears clearly to have been a response to some of the pressure emerging in the Open-ended Working Group. These initial reforms primarily addressed information about the Council's work for the membership at large and the relationship between the Council and troop-contributing countries, issues which had figured largely in the discussions in the General Assembly.

In the period 1995-2000 the Council seemed responsive to improving working methods on sanctions, sanctions committees and their contacts with the affected states, the assessment of the impact of sanctions and the establishment of a Working Group on Sanctions. This focus on sanctions seems to have been driven in part by internal efficiency concerns, but also to have been partly in response to the growing concerns about the impacts of decision making on sanctions which were figuring prominently in the Open-ended Working Group.

So to a certain degree, it seems that the reforms in this area were also a response to pressure from member states affected by the imposition of sanctions in their region or expected to play a role in their implementation.

Starting in December 1995, the General Assembly adopted several annual resolutions inviting the Council to address some of the issues related to the increased use of sanctions.

The most recent wave of reforms in the Council, in particular the presidential note in 2006, appears to have been prompted, at least to some extent, by the 2005 World Summit recommendations and the initiatives taken at the General Assembly. Interestingly, the July 2006 note by the Council president addressed at least in part many of the points included in the so-called S5 draft.

The S5 started tackling the working methods issue in 2005, with a non-paper containing several recommendations circulated prior to the General Assembly's debate regarding the Council's annual report. A draft resolution circulated in March the next year was the next step (A/60/L.49). In it, the General Assembly would invite the Council to consider a number of measures listed in an annex that would enhance the accountability, transparency and inclusiveness of the Council's work. The 19 suggestions contained in the draft's annex dealt with:

- the relationship between the General Assembly and the Council;
- the assessment of the implementation of Council decisions;
- the relationship of Council subsidiary bodies with members at large and impact of sanctions on membership at large;
- the use of the veto;
- interaction between the Council and troop contributors;
- relations with regional organisations; and
- better and more effective integration of new members of the Council.

While the Council never formally discussed or acknowledged the S5 initiative, it is probably fair to say that some of the recommendations of the draft resolution served as an inspiration to many of the drafters of the July 2006 note. In particular, there is significant overlap of issues addressed in the area of the relationship with non-members.

Dynamics in the Council

By virtue of their continuous presence on the Council, the permanent members have had the most prominent role in shaping the Council's working methods. Some, more than others, have defended the status quo. And positions have varied over time.

In recent times, some permanent members have shown creativity not only in wanting to streamline the work and make it more efficient but also to make the Council more responsive. For example, the UK played a leading role in introducing and keeping alive several transparency-related innovations, such as briefings by the presidency. France, with an early initiative on orientation meetings, has in recent years also been supportive of change. One important French contribution is the development of working methods of the Working Group on Children and Armed Conflict, described earlier. Of particular significance are the innovations regarding participation. The US has demonstrated practical support for involvement of NGOs and in the development of the Arria formula.

The elected members' collective contribution to the evolution of the working methods varies. Several of the initiatives aimed at specific areas of Council work have been guided by elected members, at times a succession of them. For example, this was the case with the evolution of the annual report (Spain, Singapore, Colombia and Mexico), or with the TCC issue (Argentina, New Zealand, Colombia and Singapore) or with the way the Council has conducted its work on sanctions (Portugal, Canada, Bangladesh and Greece). It seems that the Council's Informal Working Group on Working Methods, during the years when it had a presidency rotating every month, tended to be more active when it was an elected member's turn. And it became much more focused and efficient when the rotation was stopped in 2006 and a single chair, Japan, was able to maintain the work with continuity.

In 2007 the Council decided to appoint a new chair for a full year right at the outset and chose Slovakian Ambassador Peter Burian to lead this effort. Calls for ending the rotation had been voiced for years, for example in 2002 by Cameroon and Singapore, but had previously met resistance within the Council.

On several occasions departing members would pass the torch on a particular issue to one arriving or staying for another year. However, the absence of an immediate successor often meant that a particular issue would be dropped or that previous practice would re-emerge. The history of the content of the annual report or the wrap-up sessions described above come to mind in this context.

Overall, it seems that, on the issue of the working methods, momentum depends less on the substantive issues themselves and more on the inclination, personality and determination of individual permanent representatives, willing to take up the issues. Those with an interest in and commitment to a particular aspect of working methods, regardless of whether they represented a permanent or elected member state, have usually had considerable success, at least at the early decision-making stage. And those issues that had a succession of interested permanent representatives seem to have seen more success in being consistently implemented.

Expected Developments

At press time, the Council's Informal Working Group on Working Methods, chaired by Slovakia, has been meeting regularly, reviewing the provisions of the 2006 note in a sustained effort to ensure their best possible implementation. This work on implementation has included the Group chairman's consultations with the Secretariat to cover the areas of the note, where implementation is within the province of Secretariat staff. The Group has also been considering its next steps and weighing some of the proposals before it, for example the possibility of holding an open meeting of the Working Group or perhaps an open debate on the Council's working methods.

The General Assembly in 2007 continued its consultations regarding the reform of the Security Council. The report from the first round, issued in April, made several important points about working methods of the Council. The working methods were initially included as one of the five focal issues of reform. However, in suggesting the way forward, the report stated:

the expansion and working methods should not be seen as inseparable.

The report also stressed that, regardless of the reform scenario members will embark on, efforts to improve working methods should continue. It was pointed out that, for many states and especially small ones on whom increased membership of the Council would have relatively small impact because their opportunities to serve on the Council would continue to be very rare, working methods that would afford greater access to the Council are an important goal.

The June report from the second round of consultations underlined the possibility of delinking expansion of Council membership from the reform of working methods, pointing out that a pragmatic reason to do this would be the fact that the reform of working methods does not require Charter revisions and could therefore proceed much sooner. Yet during the several meetings that followed during the reminder of the 61st session, there was no firm commitment to this approach, with some states supporting it and others arguing against. At the outset of the 62nd session, it seems likely that the S5 may revive their initiative, either by submitting a new draft (adjusted in light of the developments in the Council itself); or by finding ways to contribute to the work of either the Assembly's Open-ended Working Group on the Security Council or the Council's Informal Working Group on Working Methods, or both; or by focusing on some selected aspects of the Council's working methods.

Within the Council, further down the line, much will depend on who will next assume the chairmanship of the Informal Working Group and also on whether the incoming members will come to the Council with a plan to focus on specific issues relating to working methods.

UN Documents

Selected Security Council Resolutions

- S/RES/1732 (21 December 2006) welcomed the report of the Working Group on Sanctions and decided that it had fulfilled its mandate.
- S/RES/1730 (19 December 2006) agreed to establish a delisting process and create a focal point for receiving delisting requests within the Secretariat.
- S/RES/1612 (26 July 2005) established a Working Group on Children and Armed Conflict.
- S/RES/1353 (13 June 2001) agreed on detailed elements of Council relationship with TCCs and stated the continued possibility to consider using the Military Staff Committee as one of the means of enhancing UN peacekeeping capacity.
- S/RES/1327 (13 November 2000) agreed to strengthen the system of consultations with TCCs through the holding of private meetings with them and stated a possibility to consider using the Military Staff Committee as one of the means of enhancing UN peacekeeping capacity.
- S/RES/665 (25 August 1990) asked member states to coordinate the implementation of the naval blockade against Iraq through the Military Staff Committee.
- S/RES/1 (25 January 1946) established the Military Staff Committee.

Selected Presidential Statements

- S/PRST/2004/16 (17 May 2004) recognised the need to take into consideration the views of TCCs and strengthen the relationship between those who plan, mandate and manage peace operations and the TCCs.
- S/PRST/2001/3 (31 January 2001) recognised the need to develop a transparent relationship between the Council, the TCCs and the Secretariat, and established the Working Group on Peacekeeping Operations to devise ways to achieve this goal.
- S/PRST/1996/13 (28 March 1996) reiterated the desire for enhanced consultation and exchange of information between the Council

and TCCs, noted that procedures previously agreed upon to meet this goal had not been fully implemented and agreed on additional procedures to facilitate communication between the Council and the TCCs.

- S/PRST/1995/48 (26 September 1995) took note of the conclusions of the General Assembly Working Group that the Council, inter alia, continue to review its working methods.
- S/PRST/1994/81 (16 December 1994) expressed the Council's intention to hold more open meetings.
- S/PRST/1994/62 (4 November 1994) outlined procedures that the Council decided to follow to facilitate enhanced consultation and exchange of information with the TCCs.
- S/PRST/1994/22 (3 May 1994) welcomed enhanced consultations and exchange of information between the Council and the TCCs regarding peacekeeping operations, including their planning, management and coordination.

Selected Notes of the President of the Security Council

- S/2006/997 (22 December 2006) transmitted the report of the Informal Working Group on Sanctions.
- S/2006/928 (21 November 2006) requested that the Secretariat provide an updated version of the descriptive index of notes and statements by the Council president relating to documentation and procedure.
- S/2006/507 (19 July 2006) described the outcome of the six months of work of the Informal Working Group in 2006 under the leadership of Japan.

- S/2006/78 (7 February 2006) contained the updated descriptive index of notes and statements by the Council president relating to documentation and procedure.
- S/2005/841 (29 December 2005) extended the mandate of the Working Group on Sanctions until 31 December 2006.
- S/2004/1014 (23 December 2004) extended the mandate of the Working Group on Sanctions until 31 December 2005 and that expanded its mandate, inter alia, to improve archives and databases in the Secretariat and strengthen cooperation between sanctions committees, monitoring bodies and regional organisations.
- S/2004/939 (2 December 2004) superseded the note of 22 November 2002 (S/2002/1276) and emphasised that newly elected members of the Council would be invited to attend both formal and informal meetings of subsidiary bodies, rather than just formal meetings, for one month preceding their term.
- S/2003/1185 (18 December 2003) extended the mandate of the Working Group on Sanctions until 31 December 2004.
- S/2002/1276 (22 November 2002) established that newly elected Council members would be invited to attend informal consultations of the Council and formal meetings of subsidiary bodies for one month prior to their term and that if an incoming member were assuming the presidency in the first two months of its term, it would be able to attend informal consultations for two months preceding its term.
- S/2002/964 (27 August 2002) outlined criteria for eligibility for

participation in private meetings and consultation meetings with TCCs.

- S/2002/591 (29 May 2002) was the note establishing the seating pattern for non-Council members participating in Council meetings.
- S/2002/199 (22 May 2002) indicated a change in the period covered in the annual report.
- S/2002/70 (15 January 2002) indicated that the Permanent Representative from Cameroon would serve as the chairman of the Informal Working Group on Sanctions until 31 December 2003.
- S/2002/56 (14 January 2002) established joint meetings of the Working Group on Peacekeeping Operations and the TCCs.
- S/2001/640 (29 June 2001) indicated that the Council president should draw the attention of members and regional organisations to Council decisions and relevant presidential press statements, while the Secretariat should make non-state actors aware of resolutions, presidential statements of the Council and presidential press statements.
- S/2000/319 (17 April 2000) established on a temporary basis an Informal Working Group to develop general recommendations on how to improve the effectiveness of UN sanctions.
- S/2000/274 (31 March 2000) indicated procedures for the distribution of Council statements.
- S/2000/155 (28 February 2000) indicated that newly elected Council members would be invited to observe informal consultations of Council members for one month preceding their term of membership.

- S/1999/1291 (30 December 1999) indicated that the Council agreed that the president should make draft resolutions and presidential statements available to non-Council members and provide them with substantive briefings soon after consultations of the whole.
- S/1999/165 (17 February 1999) emphasised that all Council members be allowed to participate fully in the preparation of Council resolutions and presidential statements.
- S/1999/92 (29 January 1999) indicated the Council's determination to improve the work of sanctions committees and listed a series of practical proposals to this effect.
- S/1998/1016 (30 October 1998) indicated that the Council agreed that the Secretary-General should be encouraged to make statements to the Council in public meetings and outlined measures to strengthen communication between the Council, TCCs and members at large.
- S/1998/354 (30 April 1998) indicated that the *UN Journal* should each month include a reminder that member states can pick up copies of the Council tentative forecast of work and that the president make available to all member states the Council calendar.
- S/1997/451 (12 June 1997) indicated that the Council agreed to make modifications to the format of its annual report and attach assessments of the Council's work by presidents during the reporting period that would be informational and not necessarily reflect the views of the Council.
- S/1996/704 (29 August 1996) outlined procedures for deleting items from the Council's list of

matters of which it was seized.
- S/1996/603 (22 August 1996) indicated that the Council would delete from its list of matters of which it was seized any item not taken up in the previous five years, unless a member state objected.
- S/1996/54 (24 January 1996) indicated the Council's agreement that chairs of sanctions committees brief interested members of the UN after each meeting and raise awareness among committee members and the broader UN membership of recent improvements in the procedures of the sanctions committees.
- S/1995/438 (31 May 1995) indicated that the Council agreed to continue the practice of hearing states and organisations affected by sanctions during closed meetings of the sanctions committees.
- S/1995/234 (29 March 1995) indicated that the Council agreed to implement measures to make the sanctions committees more transparent by, inter alia, increasing the practice of issuing press releases after Committee meetings.
- S/1994/230 (28 February 1994) was the note in which the Council agreed to make draft decisions in provisional form available to all members at the time they have been introduced in consultations of the whole.
- S/26812 (29 November 1993) indicated that the Council agreed to continue to review periodically the list of matters of which it was seized.
- S/26389 (31 August 1993) indicated that the Council agreed that effective 1 January 1994 its documents should be published in an annual series.
- S/26176 (27 July 1993) was the

note indicating Council members' agreement that the Secretariat should make the tentative forecast available to all member states once it has been transmitted to all members of the Council.
- S/26015 (30 June 1993) indicated that the Council agreed to take all necessary measures to ensure the timely submission of its annual report to the General Assembly.

Selected Security Council Debate Records

- S/PV.5156 (30 March 2005) was the last wrap-up session at the end of Council presidency to date.
- S/PV.4677 (20 December 2002) was a wrap-up session held by Colombia with several references being made to the issue of working methods.
- S/PV.4616 (26 September 2002) was the public discussion of the draft report of the Council to the General Assembly.
- S/PV.4445 (21 December 2001) was the wrap-up session held by Mali during which several members raised the issue of working methods.
- S/PV.4343 (29 June 2001) was a wrap-up session at the end of Bangladeshi presidency, the first such session held publicly.
- S/PV.4257 and resumption 1 (16 January 2001) was the open debate on TCCs.
- S/PV.3705 (16 October 1996) was an orientation debate on Afghanistan organised by the Honduran presidency.
- S/PV.3689 (15 August 1996) was an orientation debate on demining as part of peacekeeping, organised by Germany.
- S/PV.3654 (18 April 1996) was an orientation debate on the Middle East organised by the

- Chilean presidency.
- S/PV.3648 and S/PV.3650 (9 April 1996) was an orientation debate on Afghanistan organised by the Chilean presidency.
- S/PV.3641 (15 March 1996) was an orientation debate on Somalia organized by the Botswana presidency.
- S/PV.3628 (6 February 1996) was an orientation open debate on Angola organised by the US presidency.
- S/PV.3621 (25 January 1996) was an orientation open debate on Liberia, organised by the UK presidency.
- S/PV.3611 (20 December 1995) was an open debate on peace-keeping during which numerous working methods issues, including the relationship with TCCs, were raised.
- S/PV.3483 (16 December 1994) was an open debate on Security Council working methods.
- S/PV.3372 (3 May 1994) was a presidential statement that focused on the Secretary-General's report, *An Agenda for Peace,* and welcomed enhanced consultations and exchange of information with the TCCs.

Other Security Council Documents
- S/2007/137 (9 March 2007) was a letter from the Permanent Representative of Finland to the president of the Security Council containing the report from the fourth Annual Workshop for Newly Elected Members of the Security Council with numerous references to the discussion of working methods.
- S/2001/671 (6 July 2001) was a Russian proposal on enhancing the activities of the Military Staff Committee.

- S/2001/626 (22 June 2001) was a letter from the representative of Pakistan with proposals regarding the improvement in the Council relationship with TCCs.
- S/2001/535 (30 May 2001) was a letter from the representatives of Argentina, Canada, Ghana, Jordan, the Netherlands and New Zealand with proposals regarding the improvement in the Council relationship with TCCs.
- S/2001/73 (23 January 2001) was a letter containing Canada's proposal for improving cooperation between the Council and TCCs.
- S/2000/809 (21 August 2000) was the report of the Panel on United Nations Peacekeeping Operations known as the Brahimi report.
- S/1998/286 (27 March 1998) was Costa Rica's assessment of its December 1997 presidency of the Council, containing a "Position paper on working methods of the Security Council".
- S/1995/456 (2 June 1995) was a letter from the Permanent Representative from Argentina to the president of the Security Council proposing that the Working Group evaluate the nomenclature of Council documents.
- S/1994/1279 (9 November 1994) was a letter from the Permanent Representative of France to the Secretary-General containing an aide-memoire that, inter alia, proposed orientation debates.
- S/1994/1063 (15 September 1994) was a letter from Argentina and New Zealand to the president of the Security Council requesting an open meeting to consider various procedural issues, including participation.
- S/24111 (17 June 1992) contained the Secretary-General's report,

An Agenda for Peace.
- S/96.REV.7 (1983) is the most recent version of the Provisional Rules of Procedure of the Security Council.
- S/96 (24 June 1946) contains Provisional Rules of Procedure of the Security Council.

Selected General Assembly Resolutions
- A/RES/60/1 (16 September 2005) was the outcome document of the 2005 World Summit which recommended that the Security Council continue to adapt its working methods so as to increase the involvement of states not members of the Council in its work, as appropriate, enhance its accountability to the membership and increase the transparency of its work.
- A/RES/51/208 (17 December 1996) invited the Council to establish consultative mechanisms to address the impact of sanctions as well as to enhance the effectiveness and transparency of the sanctions committees.
- A/RES/50/51 (11 December 1995) was the first of several General Assembly resolutions calling for measures to assist third states affected by Security Council sanctions.
- A/RES/48/26 (3 December 1993) was a resolution that established an Open-ended Working Group to consider all aspects of the question of increase of the Council membership as well as other matters related to the Council.
- A/RES/47/62 (11 December 1992) requested the Secretary-General to invite member states to submit written comments on a possible review of Council membership and asked the Secretary-General to submit to the General Assembly

a report containing the comments of member states on the subject at its 48th session.

- A/RES 1991A (XVIII) (17 December 1963) was a resolution adopting amendments to the Charter on the composition of the Council and establishing the allocation of seats to various regions.
- A/RES/1/11 (24 January 1946) was a resolution in which the General Assembly determined how the Security Council would proceed in selecting a Secretary-General.

Other General Assembly Documents

- A/60/L.49 (17 March 2006) was the draft resolution on Improving the working methods of the Security Council submitted by the S5.

Useful Additional Sources

- Sydney D. Bailey and Sam Daws, *The Procedure of the Security Council,* 3rd Ed., New York, Oxford University Press, 1998
- Susan C. Hulton, "Working Methods and Procedure" in David M. Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century,* Boulder, Lynne Rienner Publishers, 2004, pp. 237-251.

- Mission of Japan to the United Nations, *Handbook on the Working Methods of the Security Council,* New York, Mission of Japan to the United Nations, 2006
- United Nations, *Best Practices and Recommendations for Improving the Effectiveness of United Nations Sanctions,* based on the report of the Security Council Informal Working Group on General Issues of Sanctions (2006), New York, United Nations, 2007
- United Nations, *Permanent Missions to the United Nations,* No. 297, New York, United Nations, July 2007, available at http://www.un.int/protocol/bluebook/bb297.pdf