

WORKING METHODS OF THE SECURITY COUNCIL

Revised Non Paper

Under the UN Charter the opportunity to serve on the Security Council – except for Permanent Members – will present itself relatively seldom. Whilst all Member States have the opportunity to be elected, the chance to become a Member are rare and limited in time. For most Member States, therefore, a serious reform of Security Council working methods would have the most immediate impact. While acknowledging that some progress has been made on working methods over the past years, many Member States contend that it has not gone far enough. Years of work within the Open Ended Working Group on Security Council Reform have resulted in an impressive wealth of ideas and proposals, many of which were included in documents of the General Assembly (e.g. Annex V to document A/57/47).

With the objective to narrow the multitude of reform proposals down to a manageable number and to make them better suited to be included in the current reform debate, the following recommendations have been elaborated, bearing four criteria in mind: legitimacy, inclusiveness, representativity and transparency. But the final test before inclusion into the list consisted in assessing that the Security Council's performance and effectiveness in maintaining international peace and security would be enhanced as a result of the reform measures.

- Recommendation 1: The Security Council and its Members should engage in an informal and interactive discussion with the larger membership when the annual report of the Security Council is presented to the General Assembly. A possible format of such a dialogue could be the existing Regional Groups.
- Recommendation 2: The Security Council should submit, when necessary, special reports to the General Assembly for its consideration, in accordance with Article 24.3 of the UN Charter.
- Recommendation 3: The Security Council's reports on its missions to places of concern should be timely, comprehensive and analytical and should include budget and real cost indications.
- Recommendation 4: The Security Council should take steps to improve the quality and frequency of its written and oral reports on the work of its subsidiary bodies. Summary records of subsidiary bodies' meetings should be made available, and affected Non-Members should be invited to its meetings upon their request
- Recommendation 5: The Security Council should explore ways to assess the extent to which all Member States and other relevant actors have implemented its decisions. To this end, the Council should create lessons-learned groups that would:
 - 1) assess the level of implementation of Security Council decisions,

- 2) analyze the reasons for non-implementation, and
- 3) suggest mechanisms or measures to improve compliance

- Recommendation 6: The Security Council should empower any of its Members to call for a public indicative vote to clarify positions on a proposed action. Such a vote would not have any legal effect.
The Permanent Member having vetoed a proposed Security Council Resolution should provide an explanation for its action to the General Assembly.
No veto should be exercised by Permanent Members of the Security Council in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law.
- Recommendation 7: The President of the Security Council and the Chairs of its subsidiary bodies should offer informal opportunities to interested Member States to provide substantive input on issues on the Council's agenda.
- Recommendation 8: The Security Council should engage in frequent and substantive exchanges of views with the General Assembly and ECOSOC as a standard operating procedure. The modalities governing this interaction should be disseminated to the larger Membership.
- Recommendation 9: The Security Council should enhance consultations with troop-contributing countries (TCCs) and major stakeholders, including major financial contributors. Such consultations should take place before and during a troop deployment in order to encompass both the definition of mandates and any reassessments undertaken over the course of a peace operation.
- Recommendation 10: The Security Council should give Member States affected by special economic problems caused by Council-imposed sanctions the opportunity to consult with the relevant sanctions committee on a timely and substantive basis, in accordance with Article 50 of the Charter.
- Recommendation 11: Where sanctions involve lists of individuals and/or entities, sanctions committees should establish procedures for legal review that are open to those claiming that their inclusion or retention on such lists is unjustified. Affected individuals and/or entities should have the right to file an appeal according to generally accepted standards of due process.
- Recommendation 12: The Security Council should authorize, where appropriate, Non-Members with strong interests and expertise to be associated with the deliberations and decision-shaping of one or several of its subsidiary bodies.
- Recommendation 13: The Security Council Affairs Division should be tasked with identifying best practices employed by Members of the Council to consult with Non-Members, with a view to incorporate these practices into the Council's Provisional Rules of Procedure.
- Recommendation 14: The Security Council should define under which urgent and exceptional circumstances it may discharge law-making functions - that as a matter of principle fall under the competence of the General Assembly - and ensure that

the views of the larger Membership are taken into account in the decision-making and drafting process when doing so.

- Recommendation 15: The Security Council should show restraint in acting under Chapter VII of the Charter and make more frequent use of Chapters VI and VIII.
- Recommendation 16: The Security Council Affairs Division should prepare and disseminate a detailed briefing packet on the procedures, practices and work of the Security Council in order to facilitate the rapid integration of newly-elected Members.
- Recommendation 17: The Security Council's Informal Working Group on Implementation and Procedural Matters should regularly review the Council's working methods and inform the larger Membership on concrete steps the Security Council has taken to enhance its transparency, inclusiveness and representativity. The Presidency of the Working Group should be ensured by the same Member for a term of 12 months, at the end of which the outgoing President should brief the General Assembly on progress achieved during his/her tenure.