

Razali Reform Paper

20 March 1997

Paper by the Chairman
of the

Open-Ended Working Group On The Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council

[Note that the paper takes the form of a draft resolution of the General Assembly]

The General Assembly

Recalling its resolution 48/26 of 3 December 1993,

Recognizing the primary responsibility of the Security Council for the maintenance of international peace and security under the Charter of the United Nations,

Recognizing also the functions and powers of the General Assembly on matters pertaining to the maintenance of international peace and security as contained in the Charter,

Welcoming closer cooperation between the Security Council and the General Assembly'

Noting that the effectiveness, credibility and legitimacy of the work of the Security Council depend on its representative character, on its ability to discharge its primary responsibility and in carrying out its duties on behalf of all members,

Reasserting the purposes and principles of the Charter and recalling that under Article 2(5) of the Charter, every Member State has pledged to "give the United Nations every assistance in any action it takes in "accordance with the present Charter".

Stressing that the permanent members of the Security Council bear a special responsibility both to uphold the principles of the United Nations' Charter and to give their full support to the Organisation's actions to maintain international peace and unity,

Acknowledging that there are many ways for Member States to contribute to the maintenance of international peace and security, and underlining that members of the Security Council should be elected with due regard to their record of various contributions to this end, and also to equitable geographical distribution, as noted in Article 23(1) of the Charter, and for their demonstrated commitment to and observance of international norms,

Recognizing the ongoing Report of the Security Council to improve its working methods.

Noting with appreciation the efforts of the Open-ended Working Group on the Question of Equitable Representation on and increase in the Membership of the Security Council and Other Matters Related to the Security Council, which began its work in January 1994.

Seeking Article 15 (1) of the Charter and Recognizing the need for enhanced cooperation between the Security Council and the General Assembly.

1. Decides:

a) to increase the membership of the Security Council from fifteen to twenty-four by adding five permanent and four non-permanent members;

b) that the five new permanent members of the Security Council shall be elected according to the following pattern:

- (i) One from the developing States of Africa;
- (ii) One from the developing States of Asia;
- (iii) One from the developing States of Latin America and the Caribbean;
- (iv) Two from industrialised States;

c) that the four new non-permanent members of the Security Council shall be elected according to the following pattern:

- (i) One from African States;
- (ii) One from Asian States;
- (iii) One from Eastern European States;
- (iv) One from Latin American and Caribbean States

2. Invites interested States to inform the members of the General Assembly that they are prepared to assume the functions and responsibilities of permanent members of the Security Council;

3. Decides to proceed by a vote of two-thirds of the members of the General Assembly by 28 February 1998, to the designation of the States that will be elected to exercise the functions and responsibilities of permanent members of the Security Council, according to the pattern described in paragraph 1b, it being understood that if the number of States having obtained the required majority fall short of the number of seats allocated for permanent membership, new rounds of balloting will be conducted for the remaining category(ies), until five States obtain the required majority to occupy the five seats;

4. Recognizing that an overwhelming number of Member States consider the use of veto in the Security Council anachronistic and undemocratic, and have called for its elimination, decides

a) to discourage use of veto, by urging the original permanent members of the Security Council to limit the exercise of their veto power to actions taken under Chapter VII of the Charter;

b) that the new permanent members of the Security Council shall have no provision of the veto power;

5. Decides that for peacekeeping assessments, all new and original permanent members of the Security Council shall pay the same percentage rate of premium surcharge over and above their regular budget rate of assessment;

6. Decides that

- a) no later than one week after the designation of States elected to serve as new permanent members of the Security Council, a resolution adopting amendments to the Charter arising from decisions taken in paragraphs 1, 3, and 4b will be put to the vote in accordance with Article 108 of the Charter of the United Nations;
- b) the resolution will also include amendments to Article 27(2) and (3) of the Charter to require the affirmative vote of 15 of 24 members of the Security Council for a decision;
- c) the resolution will also include amendments to Article 53 of the Charter to delete reference to former enemies of its signatories, and to eliminate Article 107;

7. Agrees that the aforementioned amendments to the Charter in paragraph 6 a, b, and c shall come into force following ratification by State Members consistent with Article 108 of the Charter;

8. Decides that a review conference will be convened under Article 109 of the Charter of the United Nations, in ten years after the entry into force of the amendments described in the present resolution, in order to review the situation created by the entry into force of these amendments.

9. Urges the Security Council to undertake the following measures to enhance transparency and to strengthen the support and understanding of its decisions by the whole membership of the Organisation:

- a) Implement fully and effectively its presidential statement of 16 December 1994, calling for greater recourse to open meetings of the Council, in particular at an early stage in its consideration of a subject;
- b) Institutionalize regular monthly consultations between the President of the General Assembly and the President of the Security Council, together with the Chairs of the Main Committees of the General Assembly and members of the Security Council;
- c) Conduct consultations between the President of the Security Council and the respective Chairs of the regional groups when necessary;
- d) Conduct regular and substantive briefings by the President of the Security Council on informal consultations of the Security Council for all Member States;
- e) Encourage consultations between members of the Security Council and the countries most affected by a decision of the Council;
- f) Invite non-members of the Security Council to participate in the informal consultations of the Security Council under Article 31 and Article 32 of the Charter;
- g) Insitute provisions for the prompt convening of formal meetings of the Security Council no later than 48 hours after the request of a Member State of the United Nations;
- h) Insitutionalize a system of consultations during the decision-making process on the establishment, conduct, and termination of peace-keeping operations in order to strengthen the measures outlined in the presidential statement of the Security Council dated 28 March 1996;
- i) Insitutionalize the practice of giving opportunity to concerned states and organisations to present their views during closed meetings of the Sanctions Committees on issues arising from implementation of sanctions regimes imposed by the Security Council;
- j) Implement fully and effectively the provisions on sanctions and Sanctions Committees as recommended by the Subgroup on the Question of United Nations Imposed Sanctions

of the Informal Open-ended Working Group of the General Assembly on an Agenda for Peace;

- k) Make available records of the Sanctions Committees to all Member States;
- l) Operationalize Article 50 of the Charter, on the right of Member States to consult the Council with regard to a solution of their problems arising from implementation of preventive or enforcement measures imposed by the Council;
- m) Hold frequent orientation debates before the Council takes a decision on a particular matter;
- n) Encourage greater use of the "Arria formula" to facilitate consultations between members and non-members of the Council;
- o) Clarify what constitutes a procedural matter as reflected in Article 27(2) of the Charter;
- p) Invite the participation of all Member States in the deliberations of the applicable subsidiary organs of the Council established in pursuance of Article 29 of the Charter;
- q) Make greater use of the International Court of Justice by seeking its advisory opinion consistent with Article 96 (1) of the Charter;
- r) Consult with regional organisations, agencies and arrangements, at appropriate levels, on matters affecting the maintenance of international peace and security in accordance with Chapter VIII of the Charter;

10. Urges the Security Council to issue its annual and special reports to the General Assembly taking into account General Assembly resolution 51/193 of 17 December 1996.