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**Réforme du Conseil de sécurité
(points 117 et 120 de l'ordre du jour)**

**Déclaration
de
S.E. M. Peter Maurer
Représentant permanent de la Suisse
auprès des Nations Unies**

Check against delivery

60th session of the General Assembly

**Reform of the Security Council
(agenda items 117 & 120)**

**Statement
by
H.E. Mr. Peter Maurer
Permanent Representative of Switzerland
to the United Nations**

New York, le 20 juillet 2006

Unofficial English translation

Mr President,

The final document of the 2005 World Summit, which was approved last September by all member states, highlights the central role of Security Council reform. It also underlines the fact that this reform contains two elements that are of equal importance: enlargement of the membership of the Security Council and the improvement of its working methods.

As part of the follow-up to this Summit, Switzerland, together with a number of partners - Costa Rica, Jordan, Singapore and Liechtenstein - has prepared a draft resolution on the working methods of the Security Council. This text was tabled on 17 March 2006 under item 120 of the General Assembly agenda (Doc. A/60/L.49). The measures proposed in this draft resolution are the result of discussions that have gone on for ten years in the General Assembly. They concern in particular the following aspects:

- strengthening the transparency of the decision-making process, particularly with regard to the work of the Security Council's subsidiary organs;
- increasing possibilities of participating in the work of the Security Council for countries that are not Security Council members;
- intensifying consultations with troop contributor countries, interested neighbour states and regional organisations;
- making better use of experience acquired in the implementation of Security Council decisions;
- promoting the responsibility to protect by discouraging as much as possible the use of the veto in cases of genocide or of crimes against humanity;
- establishing fair and clear procedures to enable persons affected by sanctions who believe that sanctions have been wrongly applied to present their point of view;
- facilitating the rapid integration of non-permanent members into the work of the Security Council.

The resolution that we have presented seeks to respond to the expectations of many member States who would like to be more involved in the work of the Security Council. These expectations are justified, for the following reasons:

- all UN members are concerned by the way in which the Security Council exercises its responsibility for maintaining international peace and security;
- all Member States contribute - according to their capacities - to the financing of peace operations, and many countries contribute troops;
- and all Member States have to implement the decisions of the Council in accordance with Chapter VII of the UN Charter.

I would also like to stress that the improvement of working methods is also very much in the interest of the Security Council itself. By involving all UN Member States more closely, the Security Council strengthens not only the effectiveness of its action but also its legitimacy and its authority to act in the name of all.

The five countries who drafted this resolution all favour the enlargement of the Security Council, even though their views on the best model to adopt are not identical. All five of us are firmly convinced that the Security Council must become more representative of the modern world. However, we also consider that the enlargement of the Security Council and the improvement of its working methods are two distinct aspects, which should be treated in parallel processes, if possible, but separately. Unlike the enlargement of the Security Council, the improvement of working methods would not necessitate an amendment to the United Nations Charter. It is an area in which it is possible to achieve rapid progress, in the interest of all United Nations' Member States.

Mr President,

In the context of this important debate, Switzerland wishes to re-affirm and to explain its position with regard to the right of veto. As you know, it was the Swiss people who decided, four years ago, that the moment had arrived for my country to become a full member of the United Nations. There were strong arguments in favour of Switzerland joining the UN. Nevertheless, a large number of Swiss people remained doubtful for a long time. They wondered whether the UN was in a position to achieve its goals and they deplored the fact that the right of veto had paralysed the Security Council in important situations. Today, while the government, Parliament and the Swiss people have a largely positive view of our activity in the United Nations, the blockages caused by the veto remain the main criticism directed at the UN.

We realise that any modification of the right to veto would have to follow the tortuous route of an amendment to the United Nations Charter. We also realise that – with or without a veto – the support of the great powers and their willingness to play an active part are essential to the success of the UN in maintaining international peace and security. Finally, we acknowledge that the use of the veto has declined considerably since the end of the Cold War. Even so, it is unfortunately still the case that the right to veto continues to be used excessively. It is not acceptable that the use of the veto – or the threat to use it – should paralyse the United Nations in cases of genocide, of crimes against humanity or in situations of serious crisis that require resolute action by the international community.

This explains the position that Switzerland advocates with regard to the veto in the ongoing debate on Security Council reform:

- Firstly, in the framework of improvements to the Security Council's working methods, Switzerland wishes to see rules put in place regarding the more selective use of the veto. Our draft resolution proposes two rules. The first would be to ask permanent members who oppose a draft resolution to explain their motives when they make use of their right of veto. The second rule would invite the permanent members to refrain from using their veto in situations of genocide, crimes against humanity and serious and systematic violations of human rights and of international humanitarian law. To formulate this rule is simply to translate into concrete terms a central element of the "responsibility to protect" which was adopted by the UN member States at the 2005 World Summit. It should be noted that the two rules that I have just mentioned do not affect the substance of the right of veto. Thus they would not necessitate a formal amendment to the Charter.
- Secondly, whatever model is adopted for the enlargement of the Security Council, Switzerland, like many other countries, opposes the allocation of new rights of veto,

because this would complicate even further the process of decision-making within the Security Council and would pose an increased risk of paralysis.

We regret that in recent years the permanent members of the Security Council have refused to discuss or to act on the problematic aspects of the veto and have not taken seriously their responsibility to protect. This gives ammunition to all those who may think that the right of veto is not linked to a particular responsibility in the area of international peace and security but is simply a privilege that is used to defend particular interests. This contributes to a culture of inactivity in the face of certain crises, a fact which, together with others, we deplore.

Mr President,

Switzerland welcomes the fact that the Security Council reactivated the internal working group on documentation and on working methods last February. I would like to seize this opportunity to thank Japan for its exemplary commitment in its capacity as president of the working group. We note with satisfaction that specific measures have been decided. Several of these measures are a direct response to the demands set out in the S-5 draft resolution. This is a first tangible and important step in the right direction.

We expect the Security Council to continue its work and in the coming months to address a number of other unresolved issues. I would like to mention three aspects which are particularly urgent:

- The first is the use of the veto, where it is important and ultimately quite easy to establish the two rules mentioned above.
- The second is the improvement of the working of the Security Council's subsidiary organs, in particular the sanctions committees. The requirement of greater transparency and of increased participation applies not only with regard to Security Council decision-making but also with regard to the work of the subsidiary organs. Too often the sanctions committees require a long time – sometimes several years – to take decisions and then do not communicate them, or do not communicate them correctly, to the interested States. It is in the working of the subsidiary organs that the most serious problems regarding transparency occur, both with regard to the rules and procedures and to the decisions taken.
- The third area in which improvements need to be made rapidly is that of the procedures for establishing lists of persons and entities targeted by sanctions. It is not only necessary to improve these procedures but also to establish a satisfactory review mechanism which would enable those who claim that their name has been wrongly entered on this list to present their point of view. We hope that the reflections that are now going on in the Security Council will rapidly lead to tangible improvements.

Mr President,

We continue to believe that the best course of action would be to adopt and to implement the resolution that we have proposed. This resolution :

- is legitimate, because it expresses the expectations of a large majority of member States;
- it is pragmatic, because it asks the Security Council to consider a series of specific proposals in areas which have proved to be particularly problematic in recent years;
- it is flexible, because it establishes a framework of reform that can be enlarged or adapted in the course of implementation, and it encourages a dialogue between the Assembly and the Council on a subject of mutual interest;
- it conforms fully to the Charter, because it respects the distribution of responsibilities between the Assembly and the Council and is based on precedents;
- it is useful, even if there is no absolute unanimity about the measures proposed, because it sends a strong political signal in favour of an improvement of the working methods of the Security Council;
- finally, it represents a first tangible step towards a more global reform of the Council. It facilitates discussion on enlargement and as such it should be supported by all countries who wish for a global reform of the Security Council.

Mr President,

To conclude, I welcome once again the fact that the Security Council, following the submission of our resolution, has decided to take specific measures to improve its working methods. Switzerland will watch closely if the Security Council is committed to implementing those measures and if other open issues, such as the use of the veto, the subsidiary bodies and fair de-listing procedures, will be addressed.

We are convinced that our draft resolution would facilitate the reform of working methods. We will continue to follow this question closely together with our partners and we keep open the option of asking the General Assembly to take action on our draft resolution.

Thank you, Mr President.