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**Intergovernmental negotiations
on**

The Reform of the Security Council

Debate on “Working Methods”

Informal Plenary

Statement by

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to the United Nations**

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Mr Chairman

Let me just introduce on behalf of my country and our partners in the S-5 our views on working methods of the Security Council.

Only a few countries will have direct benefit from an enlargement of the Security Council, but all member states, and in particular small states, would profit from improved working methods of the Council. Working methods should thus form an integral part of a comprehensive reform of the Security Council. Any reform that neglects working methods remains incomplete. Switzerland, together with the other members of the S-5, will continue to engage on substantive working methods improvements and will work towards the inclusion of strong language on working methods in a comprehensive resolution on Security Council reform.

Mr Chairman

During the last decade, member states have been confronted with an ever increasing amount of Security Council decisions, notably on peacekeeping and sanctions, with important financial, legal and security implications for each UN member state. If the Council expects member states to be real partners in the sharing of this burden, it should be ready to become more transparent, accessible and accountable to non-members and further enhance the adherence to standards of rule of law and due process in its decision making. Only then will the increased amount of decisions be met with enhanced implementation of such decisions by all member states.

Contrary to decisions on the enlargement, improvements in the area of working methods are most likely not subject to Charter amendment and can be pursued in an ongoing process of constant evolution, consistent application and implementation, independently of progress in the negotiations on enlargement.

Switzerland welcomes the support of member states for the measures contained in the S-5 draft resolution A/60/L.49 of 2006. The Security Council responded to the draft resolution by adopting Presidential Note S/2006/507, a significant achievement that was welcomed by the S-5 and many others as a step in the right direction. In addition, the Council has agreed to further improvements contained in document S/2007/784 in the annex to the letter dated 31 December 2007 from the Permanent

Representative of Slovakia addressed to the President of the Security Council. However, the implementation of the two documents (S/2006/507 and S/2007/784) and the application of the measures contained therein has been selective and inconsistent. To improve implementation of such measures, the Working Group on Documentation and Other Procedural Questions should be mandated to review the implementation of S/2006/507 and S/2007/784, in consultation with interested member states, and elaborate a set of measures to be presented to the Council. In addition, regular open debates on the issue may improve implementation.

Mr Chairman

The open debate of the Security Council on the implementation of S/2006/507 in August 2008 was milestone for our interaction with the Council. But we also continue to believe in the need for the Security Council to engage with the GA. The S-5 submits today another set of measures for consideration. It is, in fact, partly an update of the S5 draft A/60/L.49 of 2006, combining old and new reflection elements and by no means intending to be comprehensive. In the paper, we focus on

- Transparency and access
- Efficiency and implementation
- Rule of law
- Use of the veto
- Peacekeeping operations
- Accountability and relationship with the GA
- Relationship with regional arrangements and agencies

Under each heading you will find several concrete proposals which we submit to your consideration.

This paper is complementary to our previous efforts. It does therefore not contain a complete list of all the measures needed to enhance the legitimacy, accountability and transparency of the Council's work. The paper is meant for reflection by the UN membership and the members of the Council in particular. It could both inspire changes that the Security Council makes in its practice and contribute to those parts of a comprehensive resolution on Security Council reform that deal with working methods. We are looking forward to discuss our ideas with all of you.

Thank you.

S-5 Elements for Reflection

Working methods of the Security Council are an integral part of Security Council reform and have been given increased attention over the past years. In 2006, the Security Council responded to a draft resolution submitted by the S-5 by adopting Presidential Note S/2006/507, which contained a number of measures aimed at improving its working methods. This note was welcomed by the S-5 and many others as a step in the right direction. However, implementation of S/2006/507 and of further proposals contained in S/2007/784 and their application has been selective and inconsistent. The Presidential Note never became part of the standard operating procedures, in line with the practice of working with Provisional Rules of Procedure. There is a continued strong need to improve the working methods of the Council, as was illustrated by the open debate the Security Council held on this topic in August 2008 (the first debate of this nature since 1994).

The S-5 are therefore submitting, in the context of the informal plenary discussions on size and working methods, another set of measures for consideration by the Security Council. This paper is complementary to previous efforts and does therefore not contain a complete list of measures the S-5 believe would be beneficial to enhance the legitimacy, accountability and transparency of the Council's work. It is meant for reflection by the UN membership and the members of the Council in particular – it could both inspire changes that the Security Council makes in its practice and those parts of a comprehensive text on Security Council resolution that deal with working methods. While the S-5 will work towards the inclusion of strong language on working methods in a comprehensive resolution on Security Council reform, they will at the same time pursue their efforts to advance progress in this area irrespective of progress on enlargement.

The following measures are recommended for consideration:

Transparency and Access

- **Briefings by UN officials** to the Security Council should as far as possible be made accessible to all member states, while consultations thereafter may be held in a private setting.
- **Consultations with non-members** should take place as part of the standard operating procedures (cf. articles 31 and 32 of the Charter). On matters discussed in private meetings, frequent, timely and substantive briefings should be offered to non-members.
- **Draft resolutions and presidential statements** should be made available to non-members of the Council as soon as they are introduced in informal consultations.
- The **tentative forecast** of the programme of work should be shared with the larger membership as soon as it is available and followed by a briefing by the incoming Presidency. Regular updates of the programme of work should be offered on the website of the Council.
- **Best practices of consultations** between the Council and non-members should be incorporated in briefings given to newly elected members of the Council.
- The quality and frequency of **formal and informal reports on the work of subsidiary bodies** should be improved.

- Non-members should be offered opportunities, upon their request, to provide **substantive input to the work of subsidiary bodies.**

Efficiency and Implementation

- If non-members participate in a meeting of the Council, the Presidency should ensure the right to be heard by letting those with a direct interest in the outcome speak prior to members.
- “**Arria-formula**” meetings should be used more frequently in a more flexible manner for informal exchanges with member states, organisations or individuals.
- The Council should report to non-members in a timely manner and in detail on its **missions**, including their budgetary aspects.
- A **lessons-learned group** should be established with the mandate to:
 - Assess whether Security Council decisions have been implemented;
 - Analyze obstacles to implementation and reasons for non-implementation;
 - Suggest mechanisms or measures to enhance implementation.
- Where decisions of the Security Council require implementation by all member states, the Council should ensure that the **ability of member states to implement decisions** is taken into account in the decision-making process.
- **Key provisions of thematic resolutions** should be incorporated into country specific resolutions, where applicable.

Rule of Law

- **Standards of due process and rule of law** should be fully taken into account in the decision-making.
- Where sanctions involve **lists of individuals or entities**, sanctions committees should establish fair and clear procedures for listing and delisting, reflecting standards of due process. These procedures should be shared with non-members.

Use of the Veto

- A permanent member casting a non-concurring vote in the sense of article 27, paragraph 3 of the Charter **should explain** the reason for doing so at the time the relevant draft resolution is considered, and a copy of the explanation should be circulated as a Security Council document.
- Permanent members should commit themselves to not casting a non-concurring vote in the sense of article 27, paragraph 3 of the Charter in the event of **genocide, crimes against humanity and serious violations of international humanitarian law.**
- Permanent members of the Security Council, when casting a negative vote, could state that this is **not a non-concurring vote in the sense of article 27, paragraph 3 of the Charter.**

Peacekeeping operations

- Regular and timely consultations should be held at all stages and on all aspects of decision-making with **countries contributing civilian or military personnel** or substantive financial resources, as well as other countries that are directly affected by a peacekeeping operation.

- Regular **strategic joint briefings**, both cross-cutting and on individual PKOs, should involve the DPKO/DFS, political-military experts of the Security Council and the troop-contributing countries.
- **Best practices for authorising new missions** should be developed, including a set of principles based on the Brahimi report, as well as drafting guidelines for resolutions.
- **A thorough lessons-learned study** on a peacekeeping operation after its termination (e.g. UNMEE) should be commissioned.
- **Mandates should have clear strategic political objectives** and key benchmarks which the Secretary General can report against and which the Council can base its evaluations on.
- Regular and timely dialogue with the Secretariat and TCCs on **the evaluation of operations** should be held to improve implementation thereof.
- **Smooth transition from peacekeeping to peacebuilding** should be facilitated through early and continued cooperation with the Peace Building Commission.

Accountability - Relationship with the General Assembly

- The President of the Security Council should hold **regular consultations with the President of the General Assembly**, and the latter should ensure the timely provision of notice and updates of such meetings to the membership.
- The annual report of the Security Council should provide an **evaluation of the work of the Council pursuant to articles 15, paragraph 1 and article 24, paragraph 3** of the Charter.
- **Informal ways to engage with non-members in an interactive discussion on the annual report**, in addition to the debate held by the General Assembly, should be established.
- **Special subject-oriented reports** should be submitted to the General Assembly, in accordance with article 24, paragraph 3 of the Charter of the United Nations, including following consultations between the Presidents of the two organs.

Relationship with regional arrangements and agencies

- The Security Council, in accordance with the provisions of Chapter VIII of the Charter, should enhance its **cooperation and consultations** on matters affecting the maintenance of international peace and security **with the relevant regional arrangements and agencies**, as appropriate.