



General Assembly

Sixty-sixth session

108th plenary meeting
Wednesday 16 May 2012, 10 a.m.
New York

Official Records

President: Mr. Al-Nasser. (Qatar)

The meeting was called to order at 11.20 a.m.

Agenda item 7 (continued)

Organization of work, adoption of the agenda and allocation of items

The President: The General Assembly has before it a report of the Fifth Committee on sub-item (b) of agenda item 115, entitled “Appointment of members of the Committee on Contributions”, contained in document A/66/540/Add.2.

In order for the Assembly to consider the report of the Fifth Committee, it will be necessary to reopen the consideration of sub-item (b) of agenda item 115.

May I take it that it is the wish of the General Assembly to reopen its consideration of sub-item (b) of agenda item 115 and proceed to it immediately?

It was so decided.

Agenda item 115 (continued)

Appointments to fill vacancies in subsidiary organs and other appointments

(b) Appointment of members of the Committee on Contributions

Report of the Fifth Committee (A/66/540/Add.2)

The President: The Fifth Committee recommends, in paragraph 3 of its report, that the General Assembly appoint Ms. Susan McLurg of the United States of America as a member of the Committee on

Contributions for a term of office beginning on 16 May 2012 and ending on 31 December 2012.

May I take it that it is the wish of the Assembly to appoint Ms. Susan McLurg of the United States of America as a member of the Committee on Contributions for a term of office beginning on 16 May 2012 and ending on 31 December 2012?

It was so decided.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (b) of agenda item 115?

It was so decided.

Agenda item 7 (continued)

Organization of work, adoption of the agenda and allocation of items

The President: The Assembly has before it a report of the Fifth Committee on sub-item (l) of agenda item 115, entitled “Appointment of members of the International Civil Service Commission”, contained in document A/66/746/Add.1.

In order for the Assembly to consider the report of the Fifth Committee, it will be necessary to reopen the consideration of sub-item (l) of agenda item 115.

May I take it that it is the wish of the General Assembly to reopen its consideration of sub-item (l) of agenda item 115 and proceed to it immediately?

It was so decided.

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Agenda item 115 (continued)**Appointments to fill vacancies in subsidiary organs and other appointments****(l) Appointment of members of the International Civil Service Commission****Report of the Fifth Committee (A/66/746/Add.1)**

The President: The Fifth Committee recommends, in paragraph 3 of its report, that the General Assembly appoint Mr. Sergei Garmonin of the Russian Federation as a member of the International Civil Service Commission for a term of office beginning on 1 June 2012 and ending on 31 December 2012.

May I take it that it is the wish of the Assembly to appoint Mr. Sergei Garmonin of the Russian Federation as a member of the International Civil Service Commission for a term of office beginning on 1 June 2012 and ending on 31 December 2012?

It was so decided.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (l) of agenda item 115?

It was so decided.

Agenda item 117 (continued)**Follow-up to the outcome of the Millennium Summit****Draft resolution (A/66/L.42/Rev.2)**

The President: Members will recall that the General Assembly held a debate on agenda item 117 jointly with agenda item 14, sub-item (a) of agenda item 123, and agenda item 124 at the 72nd plenary meeting, on 2 December 2011. Members will also recall that, under agenda item 117, the Assembly adopted resolution 66/2 at its 3rd plenary meeting, on 19 September 2011.

I now give the floor to the representative of Switzerland to introduce draft resolution A/66/L.42/Rev.2, entitled "Enhancing the accountability, transparency and effectiveness of the Security Council".

Mr. Seger (Switzerland): On behalf of the group of five small States (S-5) — Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland — I have the honour to introduce draft resolution A/66/L.42/Rev.2, submitted under agenda item 117, "Follow-up to the outcome of the Millennium Summit".

When our leaders were united here at the World Summit in 2005 (see A/60/PV.8), they all agreed, in resolution 60/1, adopted by consensus, to improve the working methods of the Security Council in order to enhance its accountability to the wider membership and increase the transparency of its work. Our draft resolution aims to start a process that would ensure that the solemn pledge we made seven years ago to enhance the accountability, transparency and effectiveness of the decisions of the Security Council does not remain a mere phrase but becomes a substantive commitment.

Let me ask the countries represented here whether, as neighbours of a region in crisis, they have ever wondered what the Security Council is discussing and how it is assessing the situation? As police- or troop-contributing countries, have they hoped for more substantive and timely information about a Council mission because the men and women their country sends on that mission are risking their lives? As countries under the observation of the Peacebuilding Commission or as the Chair of a country-specific configuration, have they ever asked to attend Security Council consultations in order to better understand the Council's thinking?

If the answer to any of those questions is yes, they should support us in our endeavour to make the Council's working methods more transparent and open.

The decisions of the Security Council affect us all. We are obliged by the Charter to implement them. Is it too much to ask to be better informed about and more involved in the Council's decision-shaping and decision-making? By improving those working methods we would create a win-win situation from which both the Security Council and the General Assembly would benefit.

We believe that better interaction between the Security Council and the wider membership would result in better decisions and more efficient and effective work on the part of the Council. Its actions would be better prepared, better understood, better supported politically and better implemented. In short, better interaction between the Council and the wider membership is necessary and beneficial to the United Nations as a whole.

Article 10 of the Charter of the United Nations specifically provides that the General Assembly may make recommendations to the Security Council within the scope of the Charter. It is within that constitutional

framework and in that constructive spirit that we have elaborated a limited number of pragmatic proposals.

Our draft resolution is respectful of the competencies and roles of the General Assembly and the Security Council as mandated in the Charter, and it recognizes the Council as master of its own procedures. We also recognize and commend past efforts by the Council to improve and adapt its working methods. We commend former and present Chairs of the Informal Working Group on Documentation and Other Procedural Questions, such as Japan and Portugal, for their tireless efforts to improve the working methods, and we urge the Group to continue its important task. At the same time, we are convinced that improvement of the working methods from within would benefit from a clear signal of political support from outside.

I repeat that the Council's working methods can and should be improved here and now through a set of pragmatic and concrete recommendations. During our numerous presentations and consultations, we found that nearly all Member States reacted positively to the content of our draft resolution. We appreciate the ongoing support and thank everyone for it.

We are aware that working methods are part of the comprehensive reform of the Security Council, which the General Assembly has been discussing for almost 20 years. We know that a structural reform of the Council, if and when it happens, will require a structural reform of its working methods. However, we also believe that progress on the working methods of the Council, as it is now, is independent from the comprehensive reform. The different but complementary natures of those two tracks are further illustrated by the fact that improvement in the working methods of the current Council is a dynamic, ongoing process, whereas enlargement, based on any of the models proposed, would require that the Charter of the United Nations be amended.

In a careful reading of the wording of our draft resolution, that is clear from the outset. But in order to dispel remaining doubts among some members, we have revised our draft resolution twice, to make it even clearer that we are only recommending a limited number of pragmatic steps for consideration and are not embarking on the issue of overall reform.

The most recent revision is the deletion of recommendation 21 in the annex, which invited the permanent members to consider the possibility of

casting a negative vote while declaring that such a vote would not amount to a veto. Even though we are firmly convinced that such an option, which would be left to a permanent member's discretion, would not imply an amendment of the Charter, we have removed it in order to make the pragmatic approach of our recommendations absolutely clear. There can therefore be no doubt whatsoever that draft resolution A/66/L.42/Rev.2 does not entail any amendment of the United Nations Charter.

The legal discussions of the past days have been complex and at times confusing. But in essence the situation is very simple. Resolution 53/30, which has played such a prominent role in these discussions, deals with resolutions or decisions that would have implications for Charter amendments. That is what the resolution itself says and that is what Article 108 of the United Nations Charter says. Our draft resolution does not have any such implications, and therefore falls under the well-established practice of the Assembly to adopt resolutions by a simple majority.

Not only is the United Nations Charter left completely untouched by our recommendations; the same is true for the overall reform of the Security Council — which we entirely support. But let us take one step at a time.

We are only proposing to fix certain deficiencies in the functioning of the mechanics of today's Council. The larger reform is still a work in progress — or should I rather say a work without progress? — and our proposals neither compromise the position of any group nor prejudice the outcome of negotiations. The draft resolution stresses that point explicitly in paragraph 4. But rather than waiting for a comprehensive reform of the Council to come about — which is completely open — we would like to improve a certain number of working methods here and now.

Our recommendations also differ from the overall reform because they concern only the working methods of the Security Council in its present composition. It is obvious that a Council composed of 20 to 30 members would require further changes in its working methods, which would likely be much more substantial than those we are recommending in our draft resolution.

In short, our proposition is as simple as making recommendations to the Security Council based on the rights granted to all by Article 10 of the Charter. It is a basic exercise of those rights.

An overwhelming majority of Member States are small- or medium-sized countries and will serve on the Council once in a lifetime, or even never — even after an enlargement of the Council. For most of us, therefore, improvement of its working methods will have a more positive impact than an increase in its membership. Besides, what does it mean for the much more complex comprehensive reform if the Assembly is unable to agree on a number of fairly simple recommendations on how to improve the Council's working methods and its relationship with the Assembly?

Allow me now to turn to the draft resolution itself and to present briefly its structure and main content. The document consists of two parts: a relatively short draft resolution and an annex. I will speak about the draft resolution first.

Draft resolution A/66/L.42/Rev.2 is entitled "Enhancing the accountability, transparency and effectiveness of the Security Council". In the first revision we changed the title to reference even more clearly the World Summit Outcome of 2005 (resolution 60/1).

After recalling the responsibilities of the Security Council and the General Assembly, the preamble acknowledges the significant steps the Council has already taken in order to improve its working methods, notably through the note by the President of the Security Council in S/2006/507 and its update, S/2010/507. However, it emphasizes the need for additional measures to strengthen the effectiveness of the Council and the legitimacy and implementation of its decisions.

The preamble of the S-5 draft resolution also addresses its relationship with the comprehensive reform of the Security Council. While reiterating its support for that reform and acknowledging that improvement of the working methods will help to promote comprehensive reform, the preamble makes it clear that the measures proposed in the present draft resolution do not require any amendment of the Charter and are part of an ongoing process.

The operational part of the draft resolution is short. It first invites the Security Council to enhance and report on the implementation of the measures contained in note 507. In fact, the Council has implemented the measures, which it adopted itself, in a rather inconsistent manner. Paragraph 2 invites the Council to consider further measures, which are set out in the annex, to enhance the accountability, transparency

and inclusiveness of its work. Paragraph 3 invites the Council to report to the General Assembly by the end of 2012 on action it has taken pursuant to its consideration of the present resolution. Finally, the draft resolution stresses in paragraph 4 that it is without prejudice to decisions on comprehensive Security Council reform. We moved that paragraph from the preamble to the operational part to underscore that point.

The annex to the draft resolution contains a set of 20 recommendations, which are divided into seven sections. In the interest of brevity, I will not go into all 20 of them.

In the first section of the annex, about the relationship with the General Assembly, we formulate a number of recommendations to allow the membership to be better informed of the Council's decisions and to be more involved in its work. For instance, we recommend issuing a standing invitation to the Chairs of the country-specific configurations of the Peacebuilding Commission to participate in relevant debates and, in an appropriate format, in informal discussions.

Another set of recommendations aims at improving the transparency, legitimacy and distribution of work within subsidiary bodies of the Security Council. Among other things, we make a recommendation addressing the "penholder issue", whereby we suggest distributing the country-specific and thematic lead roles more appropriately among all Council members.

The next section concerns operations mandated and on-site missions carried out by the Security Council. We specifically recommend to the Council that it inform Member States more fully about relevant developments regarding the planning, preparation, conduct and termination of operations and enhance the participation of troop- and police-contributing countries and other States with particular engagement in United Nations operations.

The recommendations on governance and accountability aim, *inter alia*, at ensuring the consistent implementation of its agreed working methods, including by adopting rules of procedure and including an analytical section in its annual report. The brief paragraph on the appointment of the Secretary-General asks no more of the Council than to contribute to the implementation of the measures contained in resolution 51/241, of 31 July 1997. It basically means that the Council should involve the wider membership in the

appointment process, because it is the Secretary-General of the whole 193 Member States, after all.

Regarding our recommendations on the use of the veto, we would like to underline at the outset that the S-5 fully respect the Charter-based right to the veto. We have limited ourselves to presenting two recommendations on how the veto could and should be used, as the General Assembly has done on previous occasions in its history.

The first recommendation — to explain the reasons for resorting to a veto — is not fundamentally new, since it is already practiced to some extent by the permanent members of the Security Council.

Recommendation number 20 — to refrain from using the veto to block action in situations of so-called atrocity crimes, such as genocide, war crimes or crimes against humanity — is in line with the 2005 World Summit resolution (resolution 60/1), which states, in its paragraph 139, that

”The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”

In our recommendation we limited ourselves to genocide, war crimes and crimes against humanity, which are defined by the Rome Statute of the International Criminal Court, whereas the term “ethnic cleansing” is not a legally defined crime under international criminal law.

These last few weeks have been very intense. We have given a lot of thought before deciding to bring this issue before the Assembly. Especially, the five permanent members of the Security Council (P-5) have put considerable pressure on us not to submit our draft resolution for action. They tell us that our proposals are divisive and could be directed against them. Let me assure the P-5, once again, that our objective is quite the opposite. The S-5 want the General Assembly and the Security Council to work more closely with each other, not against each other.

We are only five States, but we have invested a lot of our efforts and energy to present to the Assembly what we believe to be simple, sensible and reasonable recommendations, because like most Members we are

small, and like most Members we need a strong United Nations. There is a saying that goes: “The only failure in life is the failure of not trying.” We have therefore tried hard to present a set of ideas that we hope would make the United Nations work a little bit better.

We ask the Assembly to look into our text as it stands and judge it by what it says. What we propose is not revolutionary or radical, but is only right and reasonable. Imagine stepping outside this building for a moment, handing out the text to ordinary people on the street and asking them what they think about it. What would the likely reply be? I bet they would react with a shrug and a comment that it is nothing extraordinary — a little bit dry and technical, but on the whole it makes sense.

If common sense were indeed the common denominator of the Assembly, this draft resolution would easily be adopted by consensus. Yet during the last few days, we have heard several representatives coming to us and telling us: “We support your ideas in substance. We are committed to working with you on improving the working methods of the Security Council, but we feel unready to take action on this draft resolution. Please be reasonable and do not insist on a vote.”

It seems that increasing pressure from various corners and the threat of procedural and legalistic maneuvers have created a spirit of uncertainty and unease. Not only have we been confronted with legal arguments according to which our draft resolution should be submitted to a qualified majority of all Member States, pursuant to resolution 53/30 — with all due respect, we find that utterly wrong and biased — but we were also confronted with procedural maneuvers today that would engulf the whole membership and would leave everybody confused and frustrated.

We find it unfortunate, but also somewhat telling, that a set of practical recommendations addressed to the Security Council could meet with such emotions. What does this tell us as sovereign Members of the United Nations? We were committed to making a contribution to a better functioning and effective Security Council, in which we have a vested interest, and to facilitating a better relationship with the General Assembly for the benefit of us all. As a basis for such a dialogue, we suggested an agenda, a number of measures for discussion between the membership and the Council.

From what we heard during the last days and hours, it seems that the membership as a whole is not ready to follow us on this course of action, at least not yet. Although we are somewhat disappointed, we accept that. But success, as the saying goes, is measured by how one copes with disappointment. We have listened carefully to the statements of the permanent members of the Security Council that they are ready to consider our recommendations seriously, and we hold them to their promise, with the Assembly as witness. We have also heard expressions from many in the Hall, including those who are not prepared to take a decision today, for advancing the agenda on working methods. We look forward to seeing the products of their efforts.

The submissions to us to defer action on our text have been numerous over the past few days. In the end, we have decided to heed those calls and to avoid a procedurally very complex discussion in the Hall, which would have been unavoidable.

We wish to thank the numerous delegations that were determined to go with us to the very end, and we hope they understand our decision to avoid a procedural battle in the General Assembly Hall. If we see some real substantive progress starting within the next months, our efforts will not have been in vain. With that hope, and this promise, the S-5 withdraws draft resolution A/66/L.42/Rev.2.

In closing, I once again thank all those who have supported us in this cause. We are very thankful. We are very encouraged. This is really a cause for us, for which they supported us strongly, and from the bottom of our hearts, we thank them once again. I would also add a word of thanks to the President of the General Assembly for his time and his openness to dialogue. We really hope that we are opening a new chapter today.

The President: We have heard that the sponsors of draft resolution A/66/L.42/Rev.2 have withdrawn their proposal before the Assembly.

The Assembly has thus concluded this stage of its consideration of agenda item 117.

Agenda item 7 (continued)

Organization of work, adoption of the agenda and allocation of items

The President: I invite the attention of the General Assembly to the draft decision contained in document A/66/L.46, circulated under agenda item 19, “Sustainable development”.

Members will recall that at its 2nd plenary meeting, on 16 September 2011, the General Assembly decided to allocate agenda item 19 to the Second Committee. In order for the Assembly to take action expeditiously on the draft decision, may I take it that the Assembly wishes to consider agenda item 19 directly in plenary meeting and proceed immediately to its consideration?

It was so decided.

Agenda item 19 (continued)

Sustainable development

Draft decision (A/66/L.46)

The President: The General Assembly will now resume its consideration of agenda item 19 to consider draft decision A/66/L.46, entitled, “Arrangements for accreditation and participation of intergovernmental organizations in the preparatory process and in the United Nations Conference on Sustainable Development”.

In view of the desire of the members to dispose of this item expeditiously, I should like to consult the Assembly with a view to proceeding immediately to consider draft decision A/66/L.46. Since the draft decision has been circulated only this morning, it is necessary to waive the relevant provision of rule 78 of the rules of procedure of the General Assembly, which provision reads as follows:

“As a general rule, no proposal shall be discussed or put to the vote at any meeting of the General Assembly unless copies of it have been circulated to all delegations not later than the day preceding the meeting.”

Unless I hear any objection, I will take it that the Assembly agrees with this proposal.

It was so decided.

The President: The Assembly will now take action on the draft decision. May I take it that the Assembly decides to adopt draft decision A/66/L.46?

The draft decision was adopted.

The President: The General Assembly has thus concluded this stage of its consideration of agenda item 19.

The meeting rose at 11.55 a.m.