

**Security Council**

Sixty-ninth year

*Provisional***7285**th meeting

Thursday, 23 October 2014, 10 a.m.

New York

<i>President:</i>	Mrs. Perceval	(Argentina)
<i>Members:</i>	Australia	Mr. Quinlan
	Chad	Mr. Bante
	Chile	Mr. Olguín Cigarroa
	China	Mr. Wang Min
	France	Mr. Delattre
	Jordan	Mrs. Kawar
	Lithuania	Ms. Murmokaitė
	Luxembourg	Ms. Lucas
	Nigeria	Mr. Laro
	Republic of Korea	Ms. Paik Ji-ah
	Russian Federation	Mr. Pankin
	Rwanda	Mr. Nduhungirehe
	United Kingdom of Great Britain and Northern Ireland ...	Sir Mark Lyall Grant
	United States of America	Ms. Jones

Agenda

Implementation of the note by the President of the Security Council (S/2010/507)

Security Council working methods

Letter dated 8 October 2014 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (S/2014/725)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Implementation of the note by the President of the Security Council (S/2010/507)

Security Council Working Methods

Letter dated 8 October 2014 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (S/2014/725)

The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Algeria, Bosnia and Herzegovina, Botswana, Brazil, Costa Rica, Côte d'Ivoire, Cuba, the Czech Republic, Egypt, Estonia, Germany, Guatemala, India, Indonesia, the Islamic Republic of Iran, Ireland, Italy, Japan, Kazakhstan, Liechtenstein, Malaysia, Maldives, Mexico, Montenegro, Morocco, the Netherlands, New Zealand, Norway, Pakistan, Peru, Portugal, Poland, Romania, Saint Lucia, Spain, Sweden, Switzerland, Thailand, Ukraine and Uruguay to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Ms. Kimberly Prost, Ombudsperson, a position established pursuant to resolution 1904 (2009), and Ms. Fatou Bensouda, Prosecutor of the International Criminal Court.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2014/725, which contains the text of a letter dated 8 October 2014 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General, transmitting a concept paper on the item under consideration.

I now give the floor to Ms. Prost.

Ms. Prost: I thank you, Madam President, for this opportunity to address the Security Council at this open debate on the topic of enhancing due process in sanctions regimes. I hope that the reflections based on my experience as Ombudsperson will help to inform the discussion today. I will touch on three issues from

the concept paper (S/2014/725, annex), beginning with the question of extending the mandate of the Ombudsperson to other sanction regimes.

While international law in this area continues to evolve, from experience one point is clear: the relevant jurisprudence, as well as interaction with human rights officials, courts and bodies, conveys a consistent message. The imposition of targeted sanctions, which directly affect the rights of individuals and entities, without the availability of an independent review mechanism that can deliver an effective remedy, is a practice inconsistent with fundamental human rights obligations. The Office of the Ombudsperson has been criticized for not going far enough in that respect in principle, in particular as to the absence of a binding decision-making power. However, it has not been disputed — in fact, it has been acknowledged in some quarters — that if the recommendations of the Ombudsperson are followed, in practice the mechanism provides a fair process and can and does deliver an effective remedy. However, it remains a procedure applicable only in the context of one targeted sanctions regime. The ramifications of this, given the requirements of Article I of the Charter of the United Nations, in terms of international law and human rights obligations, is evidently a matter for the consideration of the Security Council and of States.

A second and related point on the same issue is that, on a principled basis, there is no evident rationale as to why an independent review mechanism is made available to one set of individuals subject to targeted sanctions, but not to others. That is particularly the case when the matter is considered from the perspective of those subject to the sanctions. I have been exposed to that perspective on several occasions when I have been contacted by individuals listed on other regimes, and I must advise them that the mandate of the Office of the Ombudsperson is not applicable. The inequality of that mechanism was particularly clear a few years back where an individual was delisted from the Al-Qaida sanctions regime and on the same day placed on another sanctions list. In one context he had access to a review mechanism, in the other context he did not. Of course, the other regimes benefit from the focal point mechanism, which was an important and helpful mechanism in respect to fair and clear procedures. But the law is clear that, even with improvements, the focal point mechanism, by its very nature and structure, does not have the fundamental characteristics necessary to

serve as an independent review mechanism or to deliver an effective remedy.

The point is made that the justification for that distinction arises from the differing nature and differing criteria of the regimes, and the need for flexibility in order to employ sanctions in other regimes effectively against pressing threats. For the consideration and the discussion on that point, I simply stress the limited role that the Ombudsperson plays in this context. Responsibility to decide upon and interpret the criteria for listing rests exclusively with the Security Council and its Committees. The role of the Ombudsperson is a factual one: to analyze the information to determine whether the person or entity meets the criteria that have been set by the Security Council.

The final point on that issue is one which, in my view, rarely gets sufficient attention, but it is continually made clear to me in my practice as Ombudsperson. Fair process is supportive of, and in fact essential to, the effective implementation of sanctions measures. Repeatedly, I have heard from Government officials, legislators and judges about the challenges they face in implementing these significant measures against their citizens and residents without access to the underlying information supporting the measures and, most important, without the availability of an independent recourse. Moreover, these are not just legal challenges in the courts. There are difficulties politically and in terms of policy in developing, adopting and applying the necessary legislation and related measures for implementation.

Those challenges are not new, of course, but what is new is that in the context of the Al-Qaida regime there is now a response to them. Reference can be made to the existence of a mechanism at the international level that can consistently address these fundamental concerns. That this is helpful to implementation is not speculation on my part. Recently I saw an example where information communicated to a State about the Ombudsperson process during one of my outreach activities was instrumental in helping the officials overcome some practical obstacles to implementation.

As to the legal challenges, the experience definitely shows that there are no measures at the international level, or otherwise, that can eliminate the potential for judicial intervention, and appropriately so. However, if experience with the Al-Qaida regime is any indication, the introduction of a fair process mechanism

significantly reduces the number of domestic and regional court challenges. Effectively, the issues come back to the international level. It is clear that cases have been filtered off to the Ombudsperson process and, as well, the fundamental unfairness that provided such fertile ground for legal challenges is no longer present. In sum, the Al-Qaida experience demonstrates that fair process is good for the effective implementation of sanctions.

I turn to the second point I wish to address briefly, which is the operation of the Office of the Ombudsperson within the Al-Qaida regime. As I have stated repeatedly, it is a robust mechanism and it provides a fair process in the individual cases. However, there remain several challenges, which — save for one — I will leave to my written reports to the Council. The one issue is the provision of reasons with respect to the decisions taken on delisting requests. I emphasize that this problem does not in any way relate to the question of confidential information, which would never be disclosed in the reasons.

While there have been many improvements to the Ombudsperson process, the reality remains that it is not a transparent one. While the petitioner receives much-needed information in the dialogue phase, the only view into the actual decision-making process is through these reasons. The necessity for reasons in both retention and delisting cases has been recognized by the Council in successive resolutions, but despite the requirements of the resolution there remains a reluctance in the Committee to provide the factual detail in the reasons, which is essential to making them meaningful. The problem is less acute for retention cases, but even in that context it can be a significant struggle to obtain disclosure of the full reasoning that is critical to defending the decisions.

For delisting cases, the view has been expressed that the petitioners have already received their fair process because the remedy has been granted. With respect, however, fair and due process can never be assessed on the basis of results or outcome. In fact, to the contrary, fair process means that regardless of the result, fair and reasonable steps have been taken in reaching the decision. In this particular case, a reasoned decision is the distinction between a fair process and an arbitrary one. It follows, therefore, that substantive reasons with factual information, as a part of fair process, should be provided regardless of the result, as has been mandated by the Council.

It also merits noting that, given the confidential nature of the sanctions process in general, these reasons provide a rare opportunity to the Security Council and its Committee to demonstrate to the petitioner and well beyond what is factually the case — that decisions within the targeted sanction regimes are reasoned, fair and based on underlying information. That can only serve to enhance the credibility and strength of the regimes. This is therefore another example of how fair process, by way of more detailed reasons, would aid the effectiveness of sanction regimes.

My final point relates to the implementation of the Ombudsperson regime, as established by the Security Council. I can be brief, because it is a simple point. While the Office of the Ombudsperson continues to deliver on its mandate and to operate independently, as envisaged by the Security Council, it does so based on the good will and efforts of individuals within the Office of the Ombudsperson and within the Secretariat. Structurally, however, the Office of the Ombudsperson does not exist, and the administrative and contractual arrangements supporting it in practice do not provide institutional safeguards for independence. Given the extraordinary steps that the Council has taken to introduce an independent review mechanism into a targeted sanctions regime in aid of fair process, it seems imperative that it be implemented in a manner that ensures its sustainability as such.

In closing, I must acknowledge that it was recently said that I am obsessed with fair process. Upon reflection, I accept that categorization, and I think it is a characteristic that the Council would expect from the Ombudsperson for the Al-Qaida sanctions regime. More importantly for the discussion today, it is a focus motivated by the fact that improved due process has a dual effect in the context of targeted sanctions. It evidently enhances the protections for individual rights, but at the same time it strengthens the credibility of the regime and contributes to improved implementation of these important sanctions measures, the ultimate aim of which is to safeguard our collective rights to life and security. In my view, cumulatively, these are protections well worth obsessing about.

Once again, I thank the Council for the opportunity to provide these comments for this important open debate.

The President (*spoke in Spanish*): I thank Ms. Prost for her briefing.

I now give the floor to Ms. Bensouda.

Ms. Bensouda: I am grateful to the presidency of Argentina for inviting me to join this open debate before the Council and for preparing the extremely helpful concept paper (S/2014/725, annex) to help steer our discussions this morning. I always welcome the opportunity to brief the Council in its public meetings. Indeed, my Office, and the Court as a whole, see the importance in engaging on various issues, including on how to advance dialogue on specific situations under investigation and prosecution by the International Criminal Court (ICC), as well as on thematic issues of mutual concern to both our organizations. We believe that the rights of women and children — indeed, the rights of all civilians in times of conflict, the protection of peacekeeping missions and the rule of law — are topics of common importance to both our institutions, as is the crucial role justice plays in relation to the maintenance of international peace and security.

This open debate takes place almost exactly two years after a similar meeting was organized by Guatemala on 17 October 2012 (see S/PV.6849). Since then, I have been pleased to see increasing interaction between my Office and the Council on both the formal and informal levels. I would like to thank in particular States parties to the Rome Statute that have served on the Council for their commitment to bringing the International Criminal Court into the discussions. It is important that States parties within and outside the Council work together and with one voice to make the most of the opportunities afforded by the Council for the promotion of justice and the international rule of law, and to think proactively about how the Council, the Assembly of States Parties and the International Criminal Court can work in concert, within their respective mandates, to advance these crucially important goals.

My Office has taken note of the concept note's recommendation that the mandate of the Ombudsperson created by resolution 1904 (2009) be extended to all sanctions committees, bearing on the experience of the Office of the Ombudsperson within the Al-Qaida sanctions regime. I agree with this recommendation. As it currently stands, almost all of the Security Council's sanctions regimes that overlap with situations under investigation by the ICC have included individuals against whom warrants of arrests have been issued by the ICC on their lists. This is true in particular for the

situations of the Democratic Republic of the Congo, Côte d'Ivoire and the Central African Republic.

The biggest exception to this rule has been the Darfur situation. None of the four individuals under ICC warrants of arrest have been successfully included in the Darfur sanctions list established under resolution 1590 (2005). The individuals included have been subject to travel bans and assets freezes. There are important areas of convergence between the sanctions regimes and the work of the ICC as a whole that would benefit from a single focal point to address them. A pertinent example is the urgent need to confidentially lift travel bans for persons who have to be transferred to ICC. I have full confidence in the current Ombudsperson, Ms. Kimberly Prost, and my Office and I look forward to the opportunity to work with her in the future.

As for the concept note's second subject — the follow-up of Security Council referrals to the ICC — our work together could similarly benefit from a focal point. That focal point could take the form of the Working Group on International Tribunals, although I am open to discussions about the advantages and disadvantages of different approaches. It may make sense to identify a mechanism similar to the Office of the Ombudsperson for sanctions regimes, with someone who could help to secure the necessary resources of the Secretariat, States and other actors to address follow-up challenges on a case-by-case basis. Such a mechanism could also ensure that these efforts are properly documented for purposes of lessons learned and further refining our approach. With the help of my Office and other relevant actors, such a focal point could organize situation-specific activities, not just on referral situations but on situations of common interest, such as Central African Republic or Mali, bringing together all the relevant actors from the United Nations, States and elsewhere. Those activities would help to assess the progress achieved, identify challenges and areas in need of improvement and to facilitate enhanced coordination among the actors, with the goal of greater follow-up to the relevant Security Council resolutions.

As I have highlighted in previous briefings, follow-up on referrals is a concern for my Office, and I know it is one that we share with the Council. As with the Darfur situation, failure to implement aspects of resolutions referring situations to the ICC can reflect a much deeper problem. For example, by my Office's count, as of last June the Council had adopted 55 resolutions on the Sudan, with very few

of them implemented. That suggests that resolutions requiring follow-up for each relevant situation should be reviewed collectively as well as individually. If the Council's repeated resolutions calling for disarmament of the Janjaweed had been respected, for example, it would have almost certainly had an impact on the implementation of resolution 1593 (2005) and on my Office's investigations. We must look at situations in their totality to understand how to contribute to ending impunity therein.

I respectfully call on the Council to consider using stronger language in its referrals, similar to the language used in past Council resolutions requiring cooperation from all States with the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. The language of the Darfur and Libya resolutions leaves a fair amount of ambiguity as to whether all States are obliged to cooperate. Similarly, stronger language on State obligations regarding privileges and immunities afforded to ICC staff, as well as external counsel and their respective team members, involved in ICC proceedings when operating in situation countries referred to the Court by the Council could also be helpful.

There are many instances in which the ICC needs to call upon non-States parties to the Rome Statute for their assistance. While many have responded positively, those that have not have effectively provided a safe haven for individuals against whom warrants of arrests have been issued by the ICC. I believe stronger language from the Council on this matter would be helpful to reiterate the need to fully cooperate with the Court and to uphold its judicial rulings.

I also hope that our deliberations will include serious discussions and commitment about designing effective arrest strategies. It is my sincere hope that the Council can definitively call on all Member States to provide the necessary assistance. The Council assumes a crucial role in the emerging system of international criminal justice and must embrace that role with all the opportunities for constructive engagement that it provides.

Again, a focal point for interaction between the Council and the ICC could be of practical assistance. If a focal point could take the lead in coordinating United Nations, ICC, Assembly of States Parties and individual State efforts to proactively track and

document the whereabouts, activities and travel agenda of accused persons wanted by the ICC, and could survey and monitor obligations and responses of States vis-à-vis the arrest of those individuals, such detailed information could help to better inform Security Council discussions about how to promote follow-up. That could also include whether to add elements of arrest strategy in peacekeeping mandates. A designated focal point for interaction between the Security Council and the ICC could also help to document specific problems and progress achieved in securing bilateral cooperation. The focal point could make constructive recommendations to the Council about how to facilitate effective investigations and thereby ensure fuller follow-up to the Council's resolutions referring situations to my Office.

Finally, a designated focal point could address the question of the outstanding response of the Security Council to the ICC's findings of non-cooperation, and subsequent correspondence with the Council. It is not only a question of focusing on non-cooperation on the part of specific States, but of looking more positively and proactively at how to encourage cooperation as specific challenges arise.

Lastly, given that my Office is currently in the process of discussing its proposed 2015 budget with the Court's States parties, this is an opportune moment to equally inform the Council that the lack of State or United Nations financing for Security Council referrals has a real impact on the ability of my Office to conduct full and effective investigations in the Darfur and Libya situations. I encourage the Council to take this fact into consideration in the light of the urgent need to revitalize both of those investigations.

Let me conclude by thanking the Council for this opportunity to speak candidly about the needs of the International Criminal Court to effectively execute its mandate. I look forward to further interaction on specific challenges, and to seeking the intersections and synergies between the ICC's and the Council's separate and independent mandates that will move us forward in terms of our effectiveness in the pursuit of humankind's yearning to end impunity for mass crimes that shock our collective conscience and threaten the peace, security and well-being of the world.

The time for general discussions is coming to fruition. Let us delve into the details and find concrete solutions to face the specific challenges that will make

the greatest difference to the victims of mass atrocities, and for the benefit of the maintenance of international peace and security.

The President (*spoke in Spanish*): I thank Ms. Bensouda for her briefing.

I shall now give the floor to the members of the Security Council.

Ms. Paik Ji-ah (Republic of Korea): I would like to thank Ombudsperson Kimberly Prost and International Criminal Court Prosecutor Fatou Bensouda for their briefings. We also thank the Argentinian presidency for organizing today's debate.

In recent years, several concerns over the Council's working methods have been addressed. Some notable improvements include greater transparency of subsidiary bodies, a more productive working relationship with regional organizations and enhanced consultations with troop- and police-contributing countries. Nevertheless, we recognize that there is always room for more transparency, openness and efficiency in the Council's work.

In the case of the Al-Qaida sanctions regime, the Office of the Ombudsperson has significantly improved its fairness by allowing independent reviews of listing cases for the past five years. We appreciate her active contribution in that regard and reiterate our commitment to the joint endeavour to achieve a fairer, more transparent process. We support further discussion to improve the independence of the Office of the Ombudsperson, which is essential to her important role in affecting the decisions of the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities on delisting and listing. More effective functioning of that Office in the context of the Al-Qaida sanctions regime should be pursued as a first step towards ensuring the due process of sanctions regimes.

On the issue of broadening its application, due process and other values, including the effectiveness of sanctions and the unique character of various sanctions regimes need to be taken into account. We welcome ongoing efforts to improve United Nations sanctions mechanisms and look forward to the outcome of such exercises and other creative ideas in that regard.

I would now like to discuss the follow-up of the Security Council's referrals to the International Criminal Court (ICC). Bringing an end to impunity

is one of our shared goals for building peaceful and inclusive societies. The international criminal justice system plays a growing role in fulfilling this goal by rendering justice to the victims of heinous crimes and preventing further atrocities. The International Criminal Court, along with other ad hoc criminal tribunals, has developed into a core establishment of the system, yet the international courts and tribunals, including the ICC, lack enforcement mechanisms. We believe that is why the Rome Statute stipulates a close working relationship between the Security Council and the International Criminal Court. The Council is expected to work hand-in-hand with the Court and to close the enforcement gap by mobilizing the political will of the international community.

The ICC, for its part, has an increasing role to play in fulfilling the Council's responsibility to maintain peace and security. Given the importance of the role played by the ICC in facilitating the work of the Council, we believe that the Council's decisions to refer situations to the ICC deserve a more practical and responsible follow-up. Through such follow-up, I believe that the Council will be able to deal with the various challenges achieved — on which Prosecutor Bensouda has briefed the Council many times before — in a more productive and effective way. In that regard, my delegation is ready to work with other Council members on the modalities of following up the ICC referrals, including but not limited to establishing a separate subsidiary body or making use of the existing Informal Working Group on International Tribunals.

Improving the working methods of the Security Council is indeed a crucial component of bolstering the effectiveness and legitimacy of the Council's work. While serving as the President of the Council in February 2013 and May 2014, the Republic of Korea made the utmost effort to promote transparency of the Council's work and interaction with the wider United Nations membership. As Chair of the Committee established pursuant to resolution 1540 (2004), we also conducted a number of outreach activities to reinforce the implementation of resolution 1540 (2004). We will continue our efforts towards a more transparent, accountable and effective Security Council.

Mr. Quinlan (Australia): I thank you, Madam President, for convening this debate and for Argentina's and your own commitment to improving the Council's working methods as a very diligent and insightful Chair of the Working Group on Documentation and

Other Procedural Questions. I would also like to thank Ombudsperson Kimberly Prost for her insight and candour, and Prosecutor Fatou Bensouda for her perseverance in a difficult role, which is vitally complementary to what we do in the Council.

At a time when the number of crises requiring urgent Council attention is at historic levels and the number of people displaced around the world at its highest since Second World War, an open debate on working methods might be dismissed as an exercise in Council introspection. But that is certainly not true. The number of speakers listed for today — almost 60 — attests to that fact. The way in which this Council works — our procedures and the way in which we engage with Member States, regional organizations, civil society and non-governmental organizations — shapes our understanding of those crises and our ability to respond effectively.

The breadth and depth of advice the Council considers has a direct bearing on the quality and timeliness of our decisions and our actions. We welcome the fact that the Council is increasingly hearing from a diverse range of briefers. Critical to our work is information about human rights and protection-of-civilian challenges, which are often, as we know, an indicator of emerging conflicts and escalating crises. So it has been important that the Council has been briefed a number of times this year by the High Commissioner for Human Rights, the Emergency Relief Coordinator and a wide range of other United Nations agency heads.

But we must also bring more of these voices from the front lines into the Chamber, particularly those of civil society and non-governmental organizations, such as the young woman Sandra from the Democratic Republic of the Congo, who addressed the children and armed conflict debate last month (see S/PV.7259), and Jackson Niamah of Médecins Sans Frontières, who told us about the terrible impact of Ebola on the ground in Liberia (see S/PV.7268).

We must also use all of the forums and tools at our disposal to do so. In the past year, the Council has made use of the wide range of formats available to it. Arria Formula meetings have brought significant human rights information to the Council and enabled civil society voices to be heard. Australia has convened such meetings on the human rights situations in Syria and the Democratic People's Republic of Korea; jointly with Chile, on the protection needs of internally

displaced persons; and on the lessons from the field in strengthening the implementation of mission mandates with respect to women, peace and security. Those issues must also be considered regularly in the Council's formal discussions.

The Council's effectiveness depends on its legitimacy, as has just been observed by our colleague from the Republic of Korea, and its legitimacy is directly impacted by the Council's willingness to be informed by and engaged with the broader membership. It is in that spirit that Australia advanced the proposal referenced in the concept note (S/2014/725, annex) to reinforce the Council's dialogue with Member States, which led to Note by the President contained in document S/2013/515. Regular open debates and an expansive approach to rule 37 have also assisted. The holding of wrap-up sessions in public is an important advance. The shifting of format of a number of country situations, including the monthly Syria humanitarian discussion, to ensure a briefing in the open Chamber has been welcome. But we must have more and meaningful dialogue with troop- and police-contributing countries in particular.

There is no procedural issue of greater substantive import to the Council's effectiveness and credibility than the constraints around the use of the veto. Australia welcomes France's initiative on restraint in the use of the veto in situations of mass atrocity. This deserves very close attention and ambitious follow-up. Also deserving of the Council's attention is the application of Article 27 of the Charter of the United Nations, which provides that a Council member must refrain from voting on a matter in which it is a party to a dispute.

While the Council's rhetoric on the importance of holding those responsible for serious international crimes to account is strong, as everybody knows our words are not always followed by action. The Council has failed to extend its full support to the International Criminal Court, the efforts of which vitally complement those of the Council and can have a multiplying effect. That is true not only in respect of the two situations referred by the Council, but also in respect of other situations, such as those in Mali, the Central African Republic, the Democratic Republic of the Congo and Côte d'Ivoire. While the formal briefings by the Prosecutor are obviously valuable, the Council needs to do much more to support justice and to ensure that impunity does not fuel future conflicts. The

establishment of a permanent forum within the Council enabling formal and informal discussions about support for the Court is essential.

It is important that the Council also discuss the working methods of its subsidiary bodies. My country has worked to improve the transparency of the Council's sanctions-related activities, including in the three Committees we chair on Al-Qaida, the Taliban and Iran. We have seen significant improvements in working methods and transparency; more Committee meetings with key stakeholders, including regional and affected States; more Committee press releases; more briefings by Committee Chairs in open Council meetings; more open briefings to United Nations Member States on the work of the Committees; and increased engagement with United Nations entities that operate where sanctions apply and have a shared interest on cross-cutting issues.

But we still need to do more. As a sponsor of the high-level review of United Nations sanctions currently under way, we have consulted broadly with Member States on a range of working-methods issues related to sanctions, including the role of the focal point. We propose to convene a briefing on sanctions issues during our presidency next month to enable a more detailed Council discussion of these issues.

To conclude, our working methods shape and define the Council's effectiveness and impact. We have made some advances in the past year, and are grateful for that, but we cannot stop here. The Council must continue to review its working methods in order to ensure that we are effective, transparent and representative of all Member States.

Mr. Barros Melet (Chile) (*spoke in Spanish*): We thank you, Madam, for convening this open debate under the Argentine presidency on the working methods of the Security Council. We commend this initiative and the exemplary manner in which this issue has been addressed under the direction of the Working Group on Documentation and Other Procedural Matters for two consecutive years.

My country endorses the statement to be made by the representative of Switzerland on behalf of the Accountability, Coherence and Transparency group.

The results of our work allow us to highlight what it is possible to achieve in the Council when our efforts are characterized by commitment, tenacity and team

spirit. In particular, we believe that the consensus adoption of six notes of the President, addressing issues of key importance to the dynamic of this body, its greater openness to the enlarged membership and accountability, deliver added value to our work.

The working methods of the Security Council, designed to improve its efficiency and transparency, have a direct impact on the legitimacy of our decisions, and thus in the exercise of democratic practices. Chile, as a non-permanent member of the Council, appreciates the performance of the Working Group on Documentation and Other Procedural Matters and the progress made in the various issues proposed, aware that their effects extend beyond this principal organ of Nations.

One of the issues of greatest concern to Chile with respect to the Council's working methods is the need for greater transparency, inclusiveness and accountability, and to safeguard the effectiveness and efficiency of its proceedings. In that respect, we support the two proposals guiding this debate, concerning the extension of the mandate of the Office of the Ombudsperson and the effective follow-up of situations referred to the International Criminal Court.

In that regard, Chile values the role that has been played by the Office of the Ombudsperson since 2009 and its contribution to strengthening due process through a review system for those who request to be removed from the list of sanctions of the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities. Our country supports the initiative to ensure that other Committees can benefit from this entity, with a possible extension of the Office's mandate to other sanctions committees as a mechanism for promoting respect for due process in our procedures. While we are aware that there is room to improve the 1267 Committee mechanism, as suggested by the Ombudsperson herself, we are also convinced that the very existence of the post of Ombudsperson provides the necessary guarantees of human rights and due process, given that she can make recommendations to the Al-Qaida Committee independently and impartially.

Regarding the monitoring of Security Council referrals to the International Criminal Court, Chile considers that the responsibility of this organ should not be understood as being limited to its referral of situations to the Court and its hearing of an

occasional brief presentation of its Prosecutor. The Council is responsible for maintaining appropriate dialogue with the Prosecutor and for undertaking responsible follow-up — and adopting the necessary measures — of the information that the Prosecutor and the Court communicate to the Council. That is so because two years ago the Council, in the context of its responsibility to maintain international peace and security, embraced the goal of ensuring justice and accountability for the most heinous crimes against humanity, pursuant to the Rome Statute. The Council's silence, the Prosecutor's briefings and the communications of the Court and the President of the Assembly of States Parties point, in our opinion, to a failure in meeting that responsibility. We believe that enhancing cooperation and communication channels between the Council and the International Criminal Court on these cases is desirable and feasible, and we are willing to pursue this line of work.

We cannot conclude without recalling that the greatest political challenge that we must continue to address is the comprehensive reform of the Security Council. That is why we wish to reiterate in this context that Chile favours a serious debate in the General Assembly on the French proposal to limit the veto in cases of crimes that involve the responsibility to protect, and to strengthen the preventive role Security Council. This is one aspect of the irrevocable commitment of my country to United Nations action and to promoting the protection, dignity and fundamental rights of all people.

Mr. Wang Min (China) (*spoke in Chinese*): The Chinese delegation thanks Argentina for its initiative of holding today's open debate, and for its outstanding work as Chair of the Working Group on Documentation and Other Procedural Matters.

In accordance with the Charter of the United Nations, the Council should elaborate its own rules of procedure. In recent years, while meeting all its other responsibilities, the Council has paid close attention to improving its working methods. These efforts have borne fruit. The number of open meetings convened by the Council has risen every year and the Council presidencies have persisted in briefing non-Council Members on a monthly basis, thereby enhancing the transparency of its work.

Through various flexible means such as informal interactive dialogues, the Council has attached

importance to improving its exchanges and interaction with the Member States and regional and subregional organizations. Since the beginning of this year, the Council has adopted four notes of the President on improving its working methods. These targeted measures have strengthened the mechanism-building process within the Council, contributing to its more pragmatic and efficient work, and helping the Council to better fulfil its Charter responsibilities.

The current international security situation is highly complex. The continual outbreak of regional conflicts and local wars, coupled with the interlinked threats and challenges to security posed by terrorism, have made the responsibilities and mission of the Security Council even more arduous. The wider United Nations membership also has high expectations of the Council. China supports the ongoing improvement of the working methods of the Council so that it can conduct its work more fairly, efficiently and transparently, better meet the expectations of the international community, and play a greater role in the maintenance of international peace and security.

I would now like to focus on the following points. First, the Council should adhere to the purposes and principles of the Charter of the United Nations as its guide in promoting the peaceful settlement of disputes. The Council should make use of the prevention, good offices and mediation tools entrusted to it by the Charter in an integrated manner in order to actively facilitate political dialogue and, through consultations and negotiations, promote reconciliation in order to achieve lasting peace and stability and safeguard international peace and security. That is also an important reflection of the Council's role in the peaceful resolution of disputes under the principles of international law and its fulfilment of the responsibilities entrusted to it by the Charter.

Secondly, the Council should focus on priorities and coordinate the division of labour. Under the Charter, the Council has the primary responsibility for the maintenance of international peace and security. Meanwhile, the Charter also includes provisions on the responsibilities of other United Nations organs. All United Nations bodies should fulfil their respective mandates, and, under the Charter, the Council should focus its energy and resources on addressing the most urgent issues that threaten international peace and security. On thematic issues, it should enhance its consultation and coordination with the General

Assembly, the Economic and Social Council and other United Nations bodies in order to avoid duplication of effort.

Thirdly, it should continue to pursue democratic consultations and political collective decision-making. Council members share the same responsibilities for maintaining international peace and security. The more complex and urgent the crises and challenges are, the greater the need for Council members to work together to be united in purpose and efforts and to cooperate fully in ways that reflect the principles of justice and democracy. All Council members should have ample time for studying the draft resolutions and presidential statements presented and, through patient consultations and negotiations, reach broad consensus and preserve the solidarity of the Council, rather than forcing texts through on which there are still major differences.

Fourthly, there should be stepped-up communication and pooling of ideas. The Council should pay more attention to listening to the views of the general membership, in particular the countries on its agenda, and should step up communication and dialogue with the countries contributing troops to the peacekeeping operations and with the Secretariat.

Questions related to Africa have always been a major focus of the Security Council. Therefore, the Council should attach importance to applying the expertise and experiences of the African Union and other regional organizations and their advantages in terms of history, geography and culture; strengthen its communication with them, and fully hear their opinions before making decisions; and support the important role played by regional organizations and the countries themselves, third-party States and organizations to play a more important role in the resolution of conflicts.

I thank Ms. Prost, Ombudsperson of the Council's Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, and Ms. Bensouda, Prosecutor of the International Criminal Court (ICC), for their briefings. China supports discussions on improving the sanctions mechanisms of the Council in order to ensure that the information related to listing applications is complete and accurate.

The establishment of the post of Ombudsman for the Council's Al-Qaida Sanctions Committee has its own special background and needs. In the light of the work of other Sanctions Committees, the Council may

wish to study the question as to whether the mandate of the Ombudsperson should be extended to other Sanctions Committees.

In handling relations between the Council and the ICC, China's position is consistent. We believe that the ICC's efforts to seek justice should take into account the urgent needs of maintaining regional peace and stability. The ICC should strictly abide by the principle of complementarity and support the Council's efforts to fulfil its responsibilities under the Charter.

Mr. Pankin (Russian Federation) (*spoke in Russian*): Today's meeting, the seventh the Security Council has held on the issue of its working methods, serves as yet another confirmation of the unswerving attention we give to proposals of States Members of the United Nations on improving the procedural aspects of the Council's work, subject, of course, to the unchanged understanding that working methods and decisions to modify them fall exclusively within the remit of the Council, and relevant dialogue must be balanced, professional and without any politicization of the topics discussed. The objectives of changes and improvements in the work of the Security Council must, by definition, enhance the effectiveness and the rapid response capacity in Council's operations, for a more optimal, comprehensive implementation of the tasks before it, namely, to maintain international peace and security, for which the Council naturally bears the primary responsibility within the United Nations system.

Very often we hear criticisms of the Council that it encroaches upon the competencies of other United Nations bodies. We share such concerns. Our colleagues on the Council know full well that we show restraint vis-à-vis the consideration of initiatives to discuss thematic topics, in particular generic ones in the socioeconomic, humanitarian, health and human rights fields, inter alia. We deem that the Council should focus on country subjects and issues where it can and indeed must take concrete decisions.

We also understand the reasons for concerns regarding whether the Council resorts too often to Chapter VII, including the imposition of sanctions, especially, to put it gently, with respect to the possibly ambiguous humanitarian consequences. In that respect, I would like to underscore that Russia has consistently championed a more active use by the Security Council of the instruments of preventive diplomacy, investing in the development of measures and mechanisms for the peaceful settlement of conflicts and crises. We

must more fully and more broadly use the provisions of Chapter VI and Chapter VIII of the Charter. All of that, I repeat, unfortunately falls outside the parameters of "methods of work of the Security Council" and of course bears no relation to the working methods of the Security Council or the basic Charter provision for the right of veto.

We share the view that only painstaking work on improving the methods of work of the Security Council can make it even more effective and in keeping with the realities of the day. To that end, under the chairmanship of Argentina, we have a successful and fruitfully operating Informal Working Group on Documentation and Other Procedural Questions. We note that the Working Group meets on a regular basis and with the rational and constructive cooperation of all interested Members of the Organization.

We have participated actively in the work of the Group. In October, members of the Group agreed to a note that was prepared upon our initiative, namely, a note of the President of the Security Council on the issue of the order of taking the floor in Council, the first such type in nearly 70 years of operation of this United Nations body. We are also working on another draft note, which is designed to tidy up the practice of holding Arria Formula meetings. Finally, this month, we submitted a draft note on the issue of the preparation of the annual report of the Security Council to the General Assembly.

With regard to that document, we often hear criticism related, first and foremost, to its informational nature and the lack of an analytical component. We believe that the Council must respond to the demands of the States Members of the Organization in a relevant way and review the method by which the report is drawn up. We would propose, inter alia, not overburdening the document with statistics and data, which are in any case accessible on the website of the Security Council, and which are an unnecessary use of budgetary resources. Instead, we would propose changing the format for the introduction of the report, including an assessment of the work of the Security Council by each delegation serving as a member thereof, which would add a purely analytical component to the document and allow every delegation to express its views regarding the outcome of the work of the Council for the year.

In conclusion, I can say that the Security Council continues to react in a flexible way to the intensification of international relations that has led to the expansion

of the Council's agenda. Its working methods are constantly evolving and are being improved as realities dictate.

It was with great interest that we listened to the briefing by the Ombudsman of the Security Council Committee established pursuant to resolutions 1267 (1999) and 1989 (2011), Ms. Kimberly Prost. Her current authority is enshrined in resolution 2161 (2014); her role provides the optimal level of transparency and fairness in the procedures of the Committee's work. In that regard, there are serious questions with regard to proposals aimed at expanding the mandate of the Ombudsman. We believe that their implementation will lead only to a dilution of the sanctions regime and undermine the principles fundamental to the work of the Committee. The initiative to expand the mandate of the Ombudsperson to other sanctions bodies of the Security Council will require careful work and must be considered in the light of the experience gained by the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, which, we must be honest, is somewhat ambiguous.

We take note of the large volume of work carried out by the Ombudsperson in considering delisting requests, but we are forced to note that the practical activity of this institution is not always up to the tasks before it. Quite often we are faced with narrow approaches that disregard the views of interested States and that also contain a subjective assessment of the level of terrorist threat.

In our view, it would be more important, given today's realities, to, rather than create new structures, enhance the existing sanctions mechanism. Achieving that objective will, of course, hinge on the implementation by States of the relevant commitments in that context. We deem unwarranted any references to national judicial bodies ignoring the restrictions imposed by the Security Council. Such an approach brings into question the prerogatives of the Council and the coordinating role of this international Organization in combating terrorism.

Regarding the parameters for the cooperation of the Security Council with the International Criminal Court (ICC), we are in no way certain that this needs to be discussed in principle within the context of the methods of work of the Security Council. This topic, we believe, touches on a great many aspects of the nature of the Court itself and its basic founding documents.

The issues of cooperation between the United Nations and the ICC are also guided by a separate agreement between the two.

But on the substance of this issue, we would note the following. In carrying out its mandate of maintaining international peace and security, the Security Council consistently deals with issues of impunity. Here it has solid experience, including the creation of special ad hoc tribunals and its participation in the setting up of other judicial bodies with an international element. The creation in 2002 of the ICC led to a new partner to work with the United Nations as an organization independent from the United Nations. The Court and the United Nations must cooperate within the framework of their mandate and, of course, with mutual respect for their prerogatives.

As we can see in the annual reports of the Court to the General Assembly as well as its Prosecutor's briefings to the Council, the key problem for the ICC's operations remains the low level of cooperation between States and the Court, inter alia, in enforcing the relevant arrest warrants. Here States parties to the Rome Statute ask on a regular basis about the follow-up activities of the Council regarding the cases that are referred by it to the ICC.

No one, we are sure, would claim that the Council does not cooperate with the ICC. Confirmation of this is the fact that twice a year we hear and discuss detailed reports by the Prosecutor of the Court on cases referred to the ICC. Ms. Bensouda also visits the Council in the context of its consideration of other items, as she did today, for example. The Council today therefore has robust channels for interaction with the Court and opportunities for the consideration of emerging issues. We stand ready to continue to participate in such work.

But let us not forget that the ICC, unlike ad hoc tribunals, was not created by a Security Council decision, so the Council cannot automatically take upon itself the functions of the enforcement of ICC decisions. For these same reasons, we do not deem it justified to further institutionalize relations between the Council and the ICC, even less to create new special structures or artificially expand existing mandates or structures.

In our view, the reasons for States' lack of willingness to cooperate with the ICC to a large extent lie within the Rome Statute itself, as well as with the Court's accumulated practice, including on bringing to justice senior public officials of States. For example,

the Court's interpretation of the immunity of these individuals has been somewhat ambiguous.

By way of conclusion — and I know this is a lengthy statement — I should like to note that the Court faces a complex set of tasks in delivering justice in complex conditions that require a very delicate process and a careful, tried and balanced approach regarding the legal activities undertaken. We wish the Court every possible success in this respect.

Mr. Laro (Nigeria): I thank the delegation of Argentina for having organized this important debate and for the excellent concept note (S/2014/725) provided to guide our discussions. I also thank Prosecutor Bensouda and Ombudsperson Prost for their briefings.

My delegation welcomes this opportunity to share ideas on the working methods of the Security Council in the format of an open debate, where the views of the broader membership of the United Nations can be heard.

Nigeria aligns itself with the statement to be delivered by the representative of Saint Lucia on behalf of the L.69 group.

As it is the main organ of the United Nations charged with the maintenance of international peace and security, the way the Security Council conducts its work is a matter of great interest to the States Members of the United Nations and, indeed, to the international community at large. We are therefore pleased to see that the Council's working methods have evolved over the years to accommodate the concerns of the broader membership for greater transparency and closer engagement with non-members. Even then, there is still considerable room for improvement.

Enhancing due process and sanctions regimes is a matter of importance to Nigeria. While targeted sanctions are the critical tool at the disposal of the Security Council, we see a need for them to be employed with clarity as to the procedures for listing and delisting individuals and entities. That is where the role of the Ombudsperson becomes crucial. In the current dispensation, the role of the Ombudsperson is limited to the Al-Qaida sanctions regime by the resolution that created the office. That means that only individuals listed on the Al-Qaida sanctions list can benefit from due process; other sanctions regimes do not have such a vetting mechanism for individuals and entities facing targeted sanctions.

In the interests of fairness, and to address the concerns of Council members and the broader membership, we believe that the Council should take steps to improve due process in other sanctions regimes. One way to do this would be by placing all sanctions regimes under the purview of the Ombudsperson. We note the concern expressed in the seventh and eighth reports (S/2014/73 and S/2014/553) of the Ombudsperson that, while the Ombudsperson has operated independently in practice, no separate office has been established for the post, as mandated by the resolution establishing it. This situation is clearly not conducive to the autonomy that the Office requires in terms of administrative independence. Nigeria strongly supports the establishment of a separate office of the Ombudsperson, as mandated, as well as measures that would strengthen its autonomy.

In terms of follow-up action by the Security Council to its own referrals to the International Criminal Court, we note the concerns of Member States that the Council has not been effective. The fact that the Council has failed to respond to the seven letters it has received from the President of the ICC on the obligation to cooperate of the Court would seem to validate this point.

Our view on this is that the Council may benefit from having a mechanism to handle follow-up action on referrals similar to the way in which the Council's informal working group on international tribunals has been dealing with issues pertaining to the International Tribunal for the Former Yugoslavia and that for Rwanda. That may help to protect the credibility of the Council and the integrity of the ICC.

Nigeria would like to acknowledge the value that the briefings of the Secretariat add to the work of the Council. These briefings, by the Department of Peacekeeping Operations, the Department of Political Affairs, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights, the heads of special political missions, the heads of peacekeeping missions and other senior staff, have been timely and highly informative.

We would like to make special mention of the briefings by the Special Adviser to the Secretary-General on the Prevention of Genocide, which have alerted the Council to situations where populations may be at risk. The briefings have also allowed the Council to gain greater insights into the underlying causes

of conflicts while highlighting the need for civilians to be protected against the risk of mass atrocities. Accordingly, the Council has emphasized the protection of civilians in the mandates of peacekeeping missions where the State lacks the capacity to offer protection.

I would like to conclude by commending you, Madam President, for your astute leadership, as Chair of the Informal Working Group on Documentation and Other Procedural Questions. Your efforts at making the Council more responsive to the concerns of the broader United Nations membership and the adoption of four presidential notes under your leadership attest to the commitment you have shown in the attainment of your mandate.

Mr. Nduhungerehe (Rwanda): I thank you, Madam President, for convening this important open debate on the working methods of the Security Council and for the concept note (S/2014/725, annex) your delegation has prepared to guide our discussion. I also thank Madam Kimberly Prost, Ombudsperson of the Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, and Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for their respective briefings.

Rwanda aligns itself with the statement to be delivered by the representative of Saint Lucia on behalf of the group of support of draft resolution A/61/L.69. I will now make additional comments in my national capacity.

Let me start by congratulating you, Madam President, and your delegation on your able leadership of the Informal Working Group on Documentation and Other Procedural Questions. Indeed, Argentina's chairmanship of the Working Group led to laudable progress, notably through the adoption of important notes by the President on intra-Council dialogue, on consultations between the Council, the Secretariat and troop- and police-contributing countries, on dialogue with non-Council members and on penholders, among others. Rwanda believes that those notes will greatly contribute to a more transparent, democratic and effective Security Council, provided that they are implemented in good faith.

Rwanda also appreciates that Argentina will organize at the end of its presidency a wrap-up session under the format of a public briefing. We note with satisfaction that this public format, introduced by

Rwanda in its presidency in July this year, was since adopted by all countries that have decided to organize wrap-up sessions, namely, the United Kingdom in August, Argentina in October and Australia in November. We hope that all Council members will continue on that path so that we can all contribute to the transparency and effectiveness of our work.

Nevertheless, despite the current positive trends in the working methods of the Security Council, we have yet to live up to the expectations of the 2005 World Summit, mainly with respect to representativity and legitimacy, to efficiency and effectiveness, to transparency and accountability, and to the implementation of Council decisions. In that regard, we hope that in the months to come, the Council will make tangible progress on the issue of penholders on the basis of the note by the President S/2014/268, of 14 April 2014, which recognized the right of any Council member to be a penholder. That reform would allow Council members representing the regions affected by conflicts on the Council's agenda to at least share the pen with the current penholders. But, most importantly, Rwanda believes that there is a need to reform the use of the right to veto, on the basis of the French proposal. Indeed, given the recent history of the Council and its failure in the past, permanent members should discuss and agree on how to refrain from using the veto in cases of mass atrocities.

Rwanda recognizes the tremendous job done by Madame Kimberly Prost as Ombudsperson of the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities. The appointment of the Ombudsperson to that Committee was a positive step towards the implementation of paragraph 109 of the 2005 World Summit Outcome (General Assembly resolution 60/1). In that respect, we would like to express our support to the extension of the Ombudsperson's mandate to all sanctions lists without exception. That is just common sense. And I urge Council members that are still reluctant on that issue to reconsider their positions and put the interests of the countries for which the sanctions' regimes were established above their national and strategic interests. Indeed, we are of the view that such enhancement of due process in a sanctions regimes will result in more fairness, effectiveness and credibility of sanctions regimes.

As recalled in the concept note, the Rome Statute of the ICC grants the Council the power to refer to the

ICC situations in which crimes within its jurisdiction were committed, article 13 (b), as well as the power to defer an investigation or prosecution for a period of 12 months for reasons relating to the maintenance of international peace and security, article 16. We agree that the Security Council should ensure that both provisions on the referral and deferral are implemented, when the conditions set out by the Rome Statute are met. We join the Council President in regretting that no response was provided to any of the seven letters from the President of the ICC in relation to the cooperation of States with the Court. We believe that the Council should take time to thoroughly discuss the issue and provide an appropriate response to those letters.

In the same vein, as much as we respect the function of the President and the Prosecutor of the ICC, we believe that African Members of the United Nations also deserve respect and consideration. While the concept note deplores the Council's failure to respond to the seven letters of the President of the ICC, I will take the opportunity to remind this body that decisions of African Heads of State and Government adopted during at least seven different summits of the African Union (AU) since February 2009 requesting the deferral of the case against the President of the Sudan, in accordance with article 16 of the Rome Statute, remained unanswered. Indeed, as the AU Heads of State and Government put it, "The search for justice should be pursued in a way that does not impede or jeopardize efforts aimed at promoting lasting peace".

In addition, I would also wish to recall the AU summit, held on 12 October 2013, in Addis Ababa, which had requested the deferral of cases against the President and Deputy President of Kenya, in accordance with the same article 16 of the Rome Statute. Despite the interactive dialogue between an African ministerial contact group and members of the Council, and despite a draft resolution introduced by the three African members of the Council, the call of representatives of our whole continent was not heeded. Therefore, Rwanda, while regretting that letters of the ICC President were unanswered, would advise Council members to avoid double standards, particularly when African leaders are involved.

What can we do? First, Rwanda recalls that the Informal Working Group was created for the two international criminal tribunals created by the Council. Therefore, its work cannot be extended to the ICC, which is a treaty-based jurisdiction. In that regard, I

wish to recall that Rwanda, as well as other United Nations Member States, is not a party to the Rome Statute.

Secondly, for the situations in the Sudan and Libya and any other situation that could be referred by the Council, we are of the opinion that the regular Council meetings, where the ICC Prosecutor presents her report, are the appropriate avenues to consider those situations in all their aspects, including the cooperation of Member States with the Court.

Thirdly, Rwanda believes that relationships between the Council and the ICC should be enhanced, including through regular interactive dialogues with the Prosecutor to discuss all pending issues in relation to Council referrals and requested deferrals or through area formula meetings with various organizations, including civil society, which would highlight particular cases that require the attention of the Council. And the Permanent Representative of Australia mentioned that his country has co-organized some of those meetings. Rwanda, although not a party to the Rome Statute, is open to that permanent dialogue with the ICC or on the work of the ICC, as our shared goal is to fight impunity and ensure accountability for the most serious crimes.

I will conclude by reiterating Rwanda's commitment to working for continued improvement of the working methods of the Security Council by supporting fairness and due process in sanctions regimes and by enhancing interaction between the Council and the ICC with a view to making sure that justice and peace are equally achieved, while upholding the Charter's equal sovereignty of States.

Mr. Bante (Chad) (*spoke in French*): I thank you, Madam President, for taking the initiative to organize this debate. I would also like to thank Ms. Prost, the Ombudsperson, and Ms. Bensouda, the Prosecutor of the International Criminal Court (ICC), for their briefings.

Like every organization, the Security Council has its own procedures and methods of work, which are frequently reviewed with a view to adapting them and also to take into account sanctions and the demands of transparency and fairness. Thus, the principle of targeted sanctions established in resolution 917 (1994), on Haiti, has enabled their impact to be limited to those targets and therefore made them more acceptable to the international community. The criteria for listing and delisting, which were criticized for their lack

of precision and fairness, have also been improved as a result of recommendations made to the Council at the 2005 World Summit of Heads of State and Government.

The Council's creation of the Office of the Ombudsperson of the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, charged with delisting issues, has promoted communication and transparency as well as the adoption of new procedures for introducing the necessary corrections. Since 2013, the Informal Working Group on Documentation and Other Procedural Questions, which is currently chaired by Argentina, has also initiated several efforts aimed at improving the Council's work that required the consensus of the members as a whole. I should take this opportunity to congratulate you and the members of the Working Group, Madam President, for those achievements.

However, they have not solved every problem, for we continue to hear the voices of those who condemn the lack of transparency and respect for due process in the application of sanctions on persons and organizations suspected of committing international crimes, including acts of terrorism. Those reproaches, largely well founded, speak to the need for a review of the procedures, while taking into account the basic rights of those targeted by the sanctions.

In that regard, the Office of the Ombudsperson, which has been acknowledged today as representing a step forward in this area, deserves to be strengthened and would benefit from more support and resources. We believe it should have greater independence if that would enable it to bring more justice, fairness and transparency to the job. We also believe that the procedure instituted through resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida should be expanded to the other Sanctions Committees and that supplementary steps should be taken to enable States and their tribunals whose citizens are targeted by the sanctions to be adequately informed about the various processes.

We have previously explained our country's position on the issue of the Security Council's referrals to institutions and the situation regarding its cooperation with the ICC. Chad, which is a party to the Rome Statute, believes that combating impunity helps to protect innocent civilian populations during armed conflicts, most of which, and many of them very

violent, take place today in Africa. The work of the ICC can unquestionably help to limit the loss of human lives and environment encourage the parties to such conflicts to abide by the principles and rules of human rights and international humanitarian law. That is why States' cooperation with the ICC remains essential.

However, as we have said, we must not lose sight of security considerations when it comes to deferring the investigation of certain high political officials by the Court. In that regard, we have urged that the views of regional organizations be taken into account and a dialogue be initiated with them on the issue. This question should normally be discussed within the framework of the Conference of States Parties and exclusively among States parties. We hope that in the long run the States Parties will consider amending articles 13 (b) and 16 of the Statute in order to enable the Court to carry out its judicial mandate in complete independence and free of any political influence.

Chad associates itself with the statement to be delivered on behalf of the Group of 77.

Ms. Murmokaitė (Lithuania): I thank you, Madam President, for organizing this debate and for your commitment in guiding the Informal Working Group on Documentation and Other Procedural Matters. As we know, this year has been one of the most productive in terms of the President's notes, and we greatly appreciate that. I would also like to warmly thank today's briefers, Ms. Kimberly Prost and Ms. Fatou Bensouda, for their contributions. Issues of due process in sanctions regimes and, in particular, of the Council's follow-up of its referrals to the International Criminal Court (ICC) have long been discussed in the context of the larger debate on the Council's role in ensuring accountability and justice.

Before making a few specific points, I would like to briefly refer to the recent progress made in the work of the Council. This year saw the number of public meetings increase by 25 per cent compared to those in 2013. Of the 10 Council presidencies to date this year, seven opted for open wrap-up meetings. This year, briefings to the United Nations general membership on the monthly programme of work, as well as end-of-month briefings, have been common. The Council's website has been further improved and a new website dedicated to sanctions launched, while the use of e-rooms has been helpful in managing information flows.

While progress has been made, there is still ample room for further improving the Council's working methods, first in regard to how we translate our statements on justice and accountability into tangible efforts to end impunity. In that context, the link between the Council and the ICC demands a fresh look and new ideas. Executing arrest warrants is one of the Court's most difficult challenges. While the Council has made referrals to the ICC, it has so far failed to take any action with regard to repeated ICC notifications, which does not speak well of its ability to enforce its decisions and therefore affects its credibility. Whether we can task the Informal Working Group on International Tribunals with tackling those issues, or whether we should develop a different format for it, we need to effectively address the relationship between the Council and the Court as well as the issue of follow-up mechanisms.

Secondly, the Security Council increasingly relies on sanctions regimes as an indispensable tool for maintaining international peace and security. Sanctions, whether intended to coerce, constrain or deter, can serve their underlying purpose only when they are properly targeted. The Office of the Ombudsperson has proved to be an effective mechanism for improving the credibility of measures taken within the Al-Qaida sanctions regime. A core aspect of such a mechanism — its independence — must be continually upheld, including by removing any remaining channels of interference, ranging from various administrative constraints to procedural filters.

Ensuring the systematic and consistent application of due process is fundamental. We fully agree with Ms. Prost that those targeted under other sanctions regimes should have the same access to mechanisms of redress. We should reconcile any existing inconsistencies between various sanctions regimes, either by extending or replicating the Ombudsperson's mandate under the Al-Qaida sanctions regime or by applying other mechanisms to the same effect. Transparency and outreach in the work of the Sanctions Committees remain paramount, and I fully agree with our Australian colleague's remarks today to the effect that public briefings to the Council should be standard rather than an exception. The Sanctions Committees should also ensure that they are better heard by sending their messages through press releases and making sure that those concerned can read them in other relevant languages besides English and French, such as Arabic in the case of Yemen, for instance.

In our view, Sanctions Committee briefings by the Special Representatives of the Secretary-General for Children and Armed Conflict and on Sexual Violence in Conflict, and by the Special Adviser on the Prevention of Genocide, as well as exchanges between Sanctions Committees, panels of experts and the Prosecutor of the ICC, can be very useful and should become common practice.

Thirdly, we believe that the structure of the annual report of the Council to the General Assembly should be updated in view of the vastly improved Security Council website and the detailed monthly assessments prepared by all the Council presidencies. The \$2,500 per page spent on the annual report raises the question of whether that is the best way to spend our permanently scarce resources when most of the aggregated information is already available on the Web. My delegation has submitted proposals to the Working Group on the matter. At the same time, we should further encourage increasing the analytical and thought-provoking aspects of the annual report.

Fourthly, while dialogue between the Council and the troop- and police-contributing countries (TCCs and PCCs) has improved, in our view one formal annual meeting with the force commanders may no longer be enough. The Council needs to engage with them more regularly and improve the quality of exchanges, especially as we are moving from numbers-based peacekeeping operation processes to capacity-based planning and a shift in the expectations and role of peacekeepers. It must also ensure that there is a meaningful follow-up to such discussions. TCCs/PCCs should be engaged earlier in the force generation process. Regular interim briefings by the Department of Peacekeeping Operations and the Department of Field Support on planning and force generation would enable Council members and TCCs to better address existing gaps.

Lastly, my delegation strongly supports the French initiative on limiting the use of the veto, especially in cases of mass atrocities, genocide, war crimes and crimes against humanity. The Council's failure to take action in preventing the worst atrocities and crimes against humanity is erosive to its credibility. The use of the veto should therefore be part and parcel of our future deliberations and, as our Australian colleague said, deserves ambitious follow-up. Furthermore, meetings under the Arria Formula format and horizon-scanning briefings by the Department of Political Affairs should

be used more vigorously to signal emerging crises and provide sharper focus on situations where populations are at risk of mass atrocities and crimes against humanity.

Before concluding, let me also thank our colleagues from the Accountability, Coherence and Transparency group and non-governmental organizations such as Security Council Report and others, whose efforts at encouraging transparency and improving the institutional memory regarding the work of the Council serve as a constant reminder to Council members to advance efforts aimed at improving its working methods. A more effective, transparent and open Security Council is in the interests of the entire membership of the United Nations.

Mrs. Kawar (Jordan) (*spoke in Arabic*): At the outset, allow me to thank you, Madam President, for holding this important meeting and express to you our sincere appreciation for the important role played by Argentina in chairing the Informal Working Group on Documentation and Other Procedural Questions. I would also like to extend my thanks to the Ombudsperson, Ms. Kimberly Prost, and the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda, for their comprehensive briefings.

We welcome the adoption of the sixth note by the President (S/2010/507) on improving the working methods of the Council and increasing cooperation and coordination with the General Assembly in a manner that serves transparency and accountability. However, in spite of the progress achieved, the international community continues to look to the Security Council, in view of the successive challenges the world is facing, and expects a more competent Council that is able to take immediate measures to face those challenges in a manner that is commensurate with its Charter mandate to preserve international peace and security.

I do not intend to delve into the details of the items before us, but I will speak briefly on issues related to our region.

A look at the Middle East reveals that the Security Council has thus far not been able to find a just and lasting solution to the Arab-Israeli conflict or to settle the Syrian crisis. Those are examples of situations in which people and countries have suffered for a very long time and the Security Council has not been able to deal with the situation on an equal footing, leading

to the application of double standards that threaten the credibility of the Council.

We believe that the promotion of the central role of the Council in preserving international peace and security must reflect reality and meet the expectations of the States Members of the Organization. The issues it tackles in its discussions on its methods of work are not confined to internal issues concerning Council members alone, but have an impact on the entire Organization.

We therefore believe there is a need to increase transparency and coordination between the Security Council and the General Assembly. This should be carried out in the following ways. First, the Council should take into consideration the Assembly's recommendations on issues that have to do with international peace and security, including peacekeeping operations. Regular meetings should be organized between the Presidents of the Council and the Assembly on the work of both organs. Certain working methods of the Council, in particular open briefings by the Chairs of Sanctions Committees, should become the norm, instead of closed consultations.

The importance of sanctions lies in their application, including in cases of travel bans, assets freezes and arms embargoes. That requires further cooperation at the national level and additional efforts to update sanctions lists with a view to implementing United Nations sanctions. The Council should also show more firmness and continue to exert pressure on the different parties to comply with the sanctions with a view to avoiding any further exacerbation of a given situation.

Proceeding from that, our delegation has worked on raising awareness among all Member States of the importance of providing assistance to countries affected by sanctions and the need for countries' commitment in fulfilling their duties in accordance with the sanctions regime.

The Office of the Ombudsperson has also contributed to enhancing transparency and justice in the implementation of sanctions regimes, in particular those against Al-Qaida, and that has enhanced credibility. My delegation believes that expanding the mandate of the Office of the Ombudsperson to include other Sanctions Committees is a worthwhile proposal that should be seriously considered. However, in tackling the expansion of that mandate, we should first remove all obstacles that face the work of the Office

and review the contractual status of the Ombudsperson and administrative measures that have to do with the work and autonomy of her Office.

In that regard, we believe that the Security Council's efforts and those of the International Criminal Court (ICC) are aimed at preserving international peace and security — hence the importance of continuing close cooperation between the two entities. The ICC can contribute to efforts to prevent the exacerbation of conflicts through the prosecution of perpetrators of mass atrocities, war crimes, crimes against humanity and the most serious crimes that threaten the international community as a whole as well as international peace and security. We believe the proposals to establish a follow-up mechanism on the referrals by the Security Council to the ICC also merits consideration and should be taken into account with a view to ending impunity and ensuring that all parties concerned are prepared to cooperate with the ICC. The termination of the mandate of the International Criminal Tribunals for the Former Yugoslavia and Rwanda leaves the ICC as the only legal entity for prosecuting international crimes. We believe that it is in the interests of the Council to enhance its cooperation with the ICC to preserve international peace and security and achieve the goal of ending impunity for crimes committed during conflicts.

Ms. Lucas (Luxembourg) (*spoke in French*): I thank you, Madam President, for convening this open debate. Under the leadership of Argentina and your dynamic leadership, the Informal Working Group on Documentation and Other Procedural Questions has produced significant results, contributing to greater transparency and efficiency in the Council's work.

The four notes by the President issued since the beginning of 2014, in addition to the two notes issued in 2013, are ample testimony of that dynamism. The notes provide an undeniable contribution to the proper functioning of the Security Council. I will mention only note S/2014/393, of 5 June 2014, which proposes concrete measures to facilitate the transition between the successive Chairs of the Council's subsidiary bodies, and therefore ensures the continuity of those bodies' work.

Improving the Council's working methods is not an end in itself. It must allow the Council to best carry out its duties under its primary responsibility of maintaining international peace and security. The Council must provide itself with the means to better

anticipate and prevent crises, in particular through better information on potential crisis areas, whether by means of presentations such as horizon-scanning, or briefings by the United Nations High Commissioner for Human Rights, the Special Adviser to the Secretary-General on the Prevention of Genocide or the Special Adviser on the Responsibility to Protect. The Council must also provide itself with the means to overcome blockages when it comes to preventing mass atrocities. We therefore support the initiative of France proposing a voluntary restriction on the use of the veto power in situations where the most serious crimes are committed or may be committed.

In the excellent concept paper (S/2014/725, annex) that you, Madam President, distributed for this debate, you have focused on two aspects: enhancing due process in sanctions regimes, and the follow-up of Security Council referrals to the International Criminal Court (ICC). I thank Ombudsman Kimberly Prost and ICC Prosecutor Fatou Bensouda for the ideas and proposals that they have been good enough to share with us in that area.

Targeted sanctions are an important tool of the Security Council. They seek to implement individual restrictive measures against persons or entities that threaten international peace and security. However, for sanctions regimes to be effective, the process for listing and delisting must be guided by the principles of fairness, respect for the rule of law, credibility and transparency.

The establishment and the strengthening of the mechanism of the Ombudsman in the context of the Al-Qaida sanctions regime made it possible to affirm those principles. As an independent and effective sanctions review mechanism, the Office of the Ombudsman plays an essential role in ensuring the accuracy and legitimacy of the sanctions list. We pay tribute to Ms. Kimberly Prost for the independence, professionalism and courage with which she fulfils her mandate. We welcome her obsession with fair process, which she demonstrated once again this morning.

While it is true that the work of the Ombudsman has meant fairer proceedings, in our view, progress can nevertheless still be made on three points. In order to decide whether keeping a person or an entity on the list is justified, the Ombudsman must have access to the relevant information. The cooperation of the Ombudsman with Member States in that regard

is essential. To that end, in June Luxembourg and the Ombudsman concluded an arrangement for access to confidential or classified information.

Once the review of a request for delisting has been completed, petitioners must be informed of the reasons for the decision to delist them or to keep them on the list. Otherwise, the Council would be deprived of an essential tool for informing petitioners how to modify or continue to modify their behaviour in the direction that we wish. Under resolution 2161 (2014), progress has been made with regard to transmitting the reasons for granting or refusing a delisting request. The provisions of resolution 2161 (2014) must now be implemented.

Finally, at present, only individuals and entities on the Al-Qaida Sanctions List have access to the Ombudsman. However, similar issues concerning respect for the principle of a fair trial also arise in other sanctions committees. In our view, the Council should therefore extend the mandate of the Ombudsman to other sanctions regimes.

The Rome Statute of the International Criminal Court confers on the Security Council a unique role. Under the Statute, the Council has the power to refer to the Court situations where crimes within the Court's jurisdiction appear to have been committed. Since the Security Council decided to refer the situations in Darfur and Libya to the ICC, the Prosecutor has informed the Council of its work in a transparent manner, and we warmly thank her for that. The reports of the Prosecutor allow the Council to closely follow the work of the ICC and to acknowledge the many obstacles facing the Court.

I can assure Ms. Fatou Bensouda of the full support of Luxembourg in the resolute action that her Office continues to carry out in order to put an end to impunity for the most serious crimes. The Council must ensure strict follow-up of cases referred to the ICC. That is a matter of credibility and effectiveness. We can better in that regard to assist the Court in its indispensable work.

To date, the Council has received seven letters from the President of the Court addressed to it concerning the obligation of States to cooperate with the ICC. The Council has not answered any of them. It has taken no action to follow up a refusal to cooperate with the Court. Such inaction is all the more incomprehensible given that the Council itself "expresses its commitment to an effective follow up of Council decisions in this regard" (see S/PRST/2013/2). We strongly hope that the current

efforts will succeed so that the Security Council can respond to the formal communications that the Court has addressed to it.

We also support the idea of setting up a mechanism that reflects the Council's commitment to effectively follow up the situations that it refers to the Court. The Informal Working Group on International Tribunals could be entrusted with addressing that issue. If not, a subsidiary body could be established for that purpose. Whichever option is chosen, we must act. As I have just said, the Council's credibility is at stake.

In conclusion, allow me to underscore the importance of today's open debate. The now yearly practice allows all Council members and delegations not members of the Council to make specific proposals to improve the Council's working methods. We hope that the ideas expressed here today will be favourably reflected in the work of the Council, in the interest of international peace and security for the benefit of all.

Ms. Jones (United States of America): We offer our praise to you, Madam President, and to your delegation for your leadership of the Informal Working Group on Documentation and Other Procedural Questions over the past two years. You have shown a steady hand in guiding us to agreement on a number of improvements that my delegation believes will advance the Security Council's efficiency and transparency. Among other innovations, we appreciate the Chair's work on the note (S/2010/507, annex) that set forth practical measures to improve the handover of chairmanships of Security Council subsidiary bodies. We predict that your own successes at the helm of the Working Group, Madam President, will benefit from that. We hope that they show the same energy and skill as Argentina.

I turn to the two specific topics on our agenda this morning. Regarding sanctions, we welcome today's discussion on how to impose and to implement such measures in a better way. We thank the Ombudsperson for her presentation. The Council now uses targeted sanctions to respond to diverse threats, such as terrorism, nuclear proliferation, the use and recruitment of children in conflict and trafficking in conflict minerals. Because those measures are targeted against those most responsible for those threats, they minimize unintended humanitarian consequences. We see today's discussion as one part of a broader conversation on how to improve the global implementation and effectiveness of United Nations sanctions.

The United States has supported the past several years of improvements in the way that the Council imposes targeted sanctions, including enhancements to the fairness and clarity of listing and delisting procedures. For example, we have seen the establishment of the Focal Point, new steps to notify listed individuals of their status, new requirements for information justifying designations and enhanced transparency at all steps in the sanctions process.

With regard to the sanctions regime under the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, the United States has been a leader in proposing and supporting a broad range of elements to strengthen the sanctions regime over the past decade, from the development of the standard cover sheet for listings in 2006 to the dynamic sanctions regime that we have today. In 2009, the United States sponsored resolution 1904 (2009) to create the Office of the Ombudsperson of the 1267 Al-Qaida sanctions regime. That mandate has been further refined and was carefully tailored to the special circumstances of that regime. In recognition of the unique nature and the unique value of those sanctions, the United States has devoted significant time and resources to supporting the Ombudsperson's work. We will continue to do so.

Nevertheless, the Al-Qaida sanctions regime is *sui generis*. Unlike the Security Council's 14 other sanctions programmes, the Al-Qaida sanctions target individuals and entities associated with the non-State group who pose a global threat. The Security Council's other sanctions programmes, such as those imposed in response to threats in Iran, Yemen and North Korea, occur in distinctly different and State-focused political contexts. We therefore oppose exporting the 1267 Ombudsperson model to those other sanctions regimes. We do, however, support a serious discussion about how to improve procedures used in the other sanctions contexts. We encourage the Council to identify best practices, including for fair and clear listing, exemptions and delisting procedures that could be standardized across the other sanctions regimes.

Turning to the International Criminal Court (ICC), we appreciate and welcome the participation of the International Criminal Court Prosecutor in today's open debate. As the Security Council has stressed, the fight to end impunity and to ensure accountability for genocide, crimes against humanity and war crimes has been strengthened through the work on, and

the prosecution of, those crimes in national courts, hybrid and ad hoc tribunals and international criminal justice mechanisms, including the International Criminal Court. The Security Council has expressed its commitment to an effective follow-up of Council decisions, including decisions referring situations to the International Criminal Court. For example, with respect to the Darfur situation, we welcome the willingness of States to consider creative approaches and new tools to facilitate and enable the ICC's work in Darfur, execute outstanding arrest warrants and ensure compliance by States with relevant international obligations.

We welcome future discussions focused on ensuring full implementation of those Council resolutions that include ICC referrals. We are also open to considering an appropriate mechanism for following up on referrals by the Security Council to the ICC, including the existing Informal Working Group on International Tribunals.

Sir Mark Lyall Grant (United Kingdom): I thank you, Madam President, for convening this debate, for chairing the Informal Working Group on Documentation and Other Procedural Questions so effectively and for providing the useful concept paper (S/2014/725, annex) to help frame our discussions today. This annual debate generates great interest among Council members and the wider membership. We can see this again today from the 40 non-Council members that have asked to speak in the debate.

The Council has proved itself the most adaptable of United Nations bodies. In recent years it has interacted with a greater number of outside actors — civil society, non-governmental organizations, academics and others — through different types of innovative meetings, including Arria Formula and other informal interactive dialogues. It has become more transparent with more open debates, public briefings, wrap-up sessions and more honest briefings and reports to the General Assembly. It has increasingly used technology to facilitate its discussions — for example, the large increase in the use of video teleconferencing for briefers overseas. It has developed a pattern of overseas visits to help inform its work, and it has made more flexible use of the range of Council products, particularly press and presidential statements, to react to unfolding events.

But the Council needs to adopt a continuous-improvement approach to working methods. In particular, we need to get better at taking early

preventive action. That requires timely briefings from early-warning actors across the United Nations. We can develop more interactivity in informal consultations. Despite recent efforts, those too often resemble a formulaic exchange of positions. There is scope to cut back the Council's formal agenda to create space to address new challenges and to ensure that we remain up to date. Some items on the formal agenda of the Security Council have not been discussed for 60 years.

However, such improvements are only part of helping the Security Council to take timely and effective decisions. Effective follow-up action is just as important as timely decisions. That brings me to the first of the topics covered in the concept paper, and I want to thank the International Criminal Court (ICC) Prosecutor of her brief and clear recommendations today. I strongly agree with her that the Council needs to do much more to follow up its referrals to the International Criminal Court.

The United Kingdom is a strong supporter of the ICC's work to hold perpetrators of atrocities to account and to achieve justice for victims. But the Court cannot act alone. All United Nations Member States and the Security Council have to play their part in full. The Council must follow up substantively on its referrals, especially where the ICC is not receiving the cooperation from States that it needs to operate effectively. We must all remember that the decision by the Council to refer a situation to the ICC does not in itself bring justice to victims or accountability for perpetrators. It is an important step in that process, but international justice requires sustained and concerted international efforts, including through this Council.

The United Kingdom regrets that the Council has so far failed to agree on responses to letters from the President of the ICC relating to the Court's findings of non-cooperation because those responses are being blocked by a small number of Council members who are not themselves States parties to the ICC. We call once again on all Council members to live up to their responsibilities to agree on timely and effective follow-up action, starting with responses to the letters that the Council has received.

Let me turn to the second topic in the concept paper. I want to thank the Ombudsperson for her forceful and compelling briefing this morning.

The United Kingdom continues to be a strong supporter of fair and clear procedures for United

Nations sanctions regimes. In particular, we have supported the strengthening of due-process provisions under the sanctions regime of the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, which include the creation of the Ombudsperson position and the important subsequent steps to develop her role. The Ombudsperson has strengthened the regime by keeping listings relevant to the current threat posed by Al-Qaida. She has conducted her role independently and fairly, and I salute her obsession with fair process. We note that the Ombudsperson's most recent report (S/2014/553) shows both delistings and retentions, thereby demonstrating the impartial nature of that process.

The creation of the Ombudsperson role for the 1267 regime shows that the Security Council can create innovative and effective solutions to specific problems. However, each regime has its own set of challenges that may require specific solutions tailored for those circumstances, rather than replicating an identical approach for all. We stand ready to consider practical recommendations for improving due process, including in the context of the high-level review of United Nations sanctions. For instance, we see scope for developing the role of the focal point and for improving the provision of reasons both for retaining individuals on sanctions list and for decisions to delist.

We will continue to be staunch advocates of efficient and transparent working methods of the Security Council, and of the Accountability, Coherence and Transparency agenda more broadly. As you, Madam President, and Council colleagues will recall, we practiced those principles during the United Kingdom's presidency of the Security Council in August. Simply by observing the guidelines set out in note S/2010/507, starting meetings on time and encouraging speakers to limit their remarks, allowed us to get through a lot of important Council business more effectively.

We are also strong supporters of Security Council reform, and as such we are active proponents of improving the working methods of this Council. Apart from anything else, an expanded Council will certainly require more efficient working methods if it is to get through the business it will need to do.

Mr. Delattre (France) (*spoke in French*): I would like to warmly thank Argentina for organizing this debate on an ambitious set of topics, and the two speakers — Ms. Fatou Bensouda, Prosecutor

of the International Criminal Court (ICC), and Ms. Kimberly Prost, Ombudsperson of the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities — whose mandates and interaction with the Council are among those that best reflect recent developments within the Security Council in the direction of greater transparency, accountability and consideration of issues related to human rights.

We are of the view, in 2014, that the Prosecutor and the Ombudsperson have become integral parts of the institutional landscape of the Council, yet we must recall that this is a very recent development. I wish to touch on three points: the results of our work within the framework of the Informal Working Group on Documentation and Other Procedural Questions; the need for the Council to drag itself into the twenty-first century, an era of accountability, by setting up a follow-up mechanism for its relations with the ICC; and updating the sanctions regimes.

First, concerning methods of work, I would like to begin by commending the assessment made by the Argentine chairmanship of the Informal Working Group on Documentation and Other Procedural Questions regarding methods and substance. Those are not mere words. The Security Council is master of its procedures, yet it must not cease to work towards greater effectiveness in its tasks. From that point of view, the Working Group under the chairmanship of Argentina has fulfilled its role over the past two years.

In 2013, we welcomed the adoption of two presidential notes regarding dialogue with troop-contributing countries (S/2013/630), on the one hand, and interaction with Council non-member States (S/2013/515), on the other. This year, presidential notes S/2014/268, on the penholders of resolutions and other documents of the Council, and S/2014/393, on the chairmanship of subsidiary bodies, are steps in the right direction. I recall that all members of the Council are called upon to shoulder their responsibilities. We support opening up the Council to speakers who can inform us of mass crimes, such as Mr. Adama Dieng, Special Adviser to the Secretary-General on the Prevention of Genocide.

We support the efforts of the Argentine presidency regarding multilingualism. Among the members of the Security Council, if I am counting correctly, there are at least eight of us expressing ourselves in a

language other than English. That is a strong symbol of the diversity of the Council, which reflects the very diversity of the States Members of the United Nations. We count on the ongoing, sustained, strengthened and stepped-up commitment and the support of the Secretariat to take all the necessary measures to ensure that multilingualism, which is our common wealth, remains a reality. I recall that there are two working languages for the Secretariat and six official languages at the United Nations.

The importance we attach to the issue of working methods does not mean that we can sidestep bold reforms of the Council so as to ensure that it better reflects, in a fairer way, the realities of today's world, while strengthening its ability to fully assume its responsibilities in terms of the maintenance of international peace and security.

Secondly, on issues of international criminal justice, I endorse all the observations made by Prosecutor Bensouda. We commend Argentina and the members of the Accountability, Coherence and Transparency group, who introduced this topic as one of method. They were right to do so. We have entered into what the Secretary-General has referred to as an era of accountability, in which the Council, with its role of maintaining peace, coexists alongside a system of international criminal justice, centred around the International Criminal Court — a permanent, universal body complementing national courts.

We interact on a daily basis. The Council, with its role in preventing crises, ensures the fight against impunity, which is one of the basic missions of the Court. At the level of conflict settlement, the Court must not wait for armed conflicts to end before opening investigations. At the post-conflict level, the Council seeks to strengthen national jurisdictions to enable them to take over from the ICC in prosecuting the most serious crimes, in keeping with the principle of complementarity enshrined in the Rome Statute. That interaction between the Council and the ICC must of course lead us to revise our working methods and to strengthen the Council's follow-up of decisions related to the ICC, including on essential issues, such as arrests. We support an effective follow-up mechanism, which could be a subsidiary body of the Council.

Thirdly, we must consider the timeliness and effectiveness of the sanctions regime. Sanctions, as we all know, are an essential tool for the Security

Council in carrying out its responsibilities in terms of maintaining international peace and security, and we should welcome the improvements made in recent years with this tool. Sanctions are now targeted and procedural safeguards have been put in place. We attach great importance, in particular, to the use of sanctions within the framework of combating terrorism. We have seen that recently with the imposition of sanctions under Al-Qaida regime against two entities and more than a dozen individuals involved in supplying foreign fighters. If the fight against Al-Qaida, and now Daesh, is to progress, we must clearly remain vigilant in regard to the implementation of those sanctions.

It is also crucial to respect the fundamental freedoms of individuals inscribed on the sanctions list and to ensure that sanctions regimes include appropriate procedural safeguards. It behooves us to note that just as each crisis is unique, each sanctions regime is different, and the needs in terms of procedural safeguards are also different. In 2006, France launched the initiative of creating a focal point that would enable individuals and entities inscribed on the Committees' lists to request delisting. The adoption of resolution 1904 (2009) allowed us to go further with the creation of the post of Ombudsperson to clarify all information provided by the petitioners, which is an essential aid to the Committee in the framework of its decision-making. The subsequent resolutions have improved procedural safeguards by strengthening the role of the Ombudsperson. I take this opportunity to commend the outstanding quality of work carried out by the Ombudsperson within the framework of the Al-Qaida Committee. She enjoys France's full confidence.

In conclusion, I wish to return to a priority issue for French authorities. Three times, the Syrian crisis has highlighted an impasse in which the Security Council has found itself when faced with the excessive use of the right of veto. Two years ago, the President of Republic, Mr. François Hollande, spoke to the General Assembly (see A/67/PV.4) of the need to establish a code of conduct for permanent members of the Council to limit the right of veto. During the ministerial week of the General Assembly, the French Minister for Foreign Affairs, Mr. Laurent Fabius, and his Mexican counterpart convened their peers to discuss our project to persuade the five permanent members of the Security Council to collectively and voluntarily suspend their use of the veto when a situation of mass crimes was under consideration. We need to reflect together on

the nature and content of that project, but we will not abandon it. The other permanent members need to commit themselves.

The Security Council must seize the opportunity to make an in-depth review of the way it functions to meet the challenges of the twenty-first century. The world is changing. Threats are evolving. We must be the willing actors of that change. We must demonstrate upon the occasion of the seventieth anniversary of our Organization that we are capable of innovation to be both more effective and more fair.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as the representative of Argentina.

Undoubtedly, today in this debate what we are talking about are the whys and hows of the working methods that, on a daily basis, guide the work of the Council — how it considers and and agrees on mechanisms for action and its decision-making processes. These are the answers we seek so as to ensure greater consistency and coherence and to develop more effective and transparent tools, modes and practices that allow us to fulfil our duties.

What should we do? We know, for it is clearly established in the Charter of the United Nations — it is imperative. How can we and how must we work within this body to ensure that our daily action does not contradict our momentous duty? That is the challenge before us. As we turn to answering those questions, we envision a tool box. While we might believe that it contains all of the tools, one day we may realize that new tools are needed. Some are useful and others must be discarded. But we must keep the necessary ones. It is not for nothing that we say that, as non-permanent member of the Security Council. It is not about remaining a slave to rigidity, which ties our hands; but it also not about destroying everything accomplished in the past, or becoming victims of feverish innovations with hands folded in order to work prudently and to act lucidly.

In the Informal Working Group on Documentation and Other Procedural Questions the discussion is focused on dialogue, as it is here. It is a matter of keeping what is effective and efficient and creating what is lacking. It involves harmonizing and reducing unclear elements and arbitrariness. It is akin to mathematics, in that it involves acknowledging the validity of the working methods as confirmed by results. It involves

sowing capabilities between sand and rock. It involves basing our practices and procedures on legitimate norms, including practical validity, ethical legitimacy and political necessity.

I would like to thank colleagues for their kind words directed to the Argentine delegation. In fact, what I would like to do in this time, at the end of our mandate, as a member I would like to express my gratitude and that of the Argentine delegation, because during the past two years we have enjoyed the support and participation of all of the members of the Council in adopting, to date, the six presidential notes that many colleagues have mentioned.

The dialogues with troop- and police-contributing countries were in fact introduced by Argentina, as was the practice of handing over the chairmanship of the subsidiary bodies. However the dialogue with non-member States and other bodies was — and still is — an initiative of Australia. The intra-Council dialogue is a Pakistani initiative.

We also turned to addressing issues that had been dealt with over a long period of time without achieving consensus. For example, the recently adopted presidential note S/2014/739, concerning the list of speakers, was an initiative of the Russian Federation. There was also the presidential note on penholders (S/2014/268), which is, as mentioned earlier, the Council's first pronouncement on that item. I believe that all of the notes have been important and necessary. Of course, they are not the only ones we need or deserve, or even ones we can consider sufficient.

I wish to again thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, and Ms. Kimberly Prost, Ombudsperson of the Security Council Committee established pursuant to resolutions 1267 (1999) and 1989 (2011), concerning Al-Qaida and associated individuals and entities. For, while it is good to speak about our achievements, it is also honest to state that which Argentina was unable to achieve as Chair of the Informal Working Group on Documentation and Other Procedural Questions — perhaps because it was not yet time, or maybe because there was a need to consider and reconsider those initiatives.

The two items we proposed involved the Council's institutional responsibility. On the one hand, we have maintained that the relationship between the Council and the International Criminal Court cannot be limited to receiving the Prosecutor's reports in a public meeting,

without providing any follow-up on the issues raised. It is true that the Court is independent; the Council firmly maintains that principle. But that does not mean it is an isolated body or that we must disregard the situations we refer. I support the words of the Prosecutor on due process and the sanctions list.

When we began to Chair the Informal Working Group on Documentation and Other Procedural Questions, we introduced a proposal to consider extending — not in the same format, but with more flexibility — a principle through the Ombudsperson. The principle is due process. It is unfortunate that the proposal has not thus far garnered the necessary support. However, in whatever body, we will continue to support due process in all of the Sanctions Committees. I also support the words of the Ombudsperson.

Lastly, I would like to thank all of the members of the Council, including those whose mandates ended at the end of 2013, for their support in the Informal Working Group. I thank all the States Members of the United Nations that are taking part today in this open debate. I also thank the non-governmental organizations and universities that have supported us through their requests and initiatives during our tenure.

We remain convinced that fostering genuine openness in the methods to build information and knowledge and an understanding of various situations and all of the dimensions of potential and actual conflict, implementing inclusive decision-making processes, developing realistic and strategic programmes of action, establishing consistent accountability mechanisms that are accessible and transparent for the broader membership and the international community as a whole — all of those elements are substantive aspects of the Informal Working Group.

We also acknowledge with equal fervour that greater participation and more debate are needed. Presidential note 507 suggests setting a five-minute limit for statements and trying to respect it. In my case, I have rarely been able to comply with that. In fact, I understand that the use of time must be democratic and efficient; however, I also understand that there is much to be discussed among us. We need a great deal of sincerity among each other. We need a policy that I would call "making a place for victims" — a place of dignity to ensure that there will be fewer victims. Knowing that it is as inevitable as water being wet, we also know that the working methods can also be and must be improved.

Having expressed that conviction, I should like to acknowledge that not all things are bad in the Security Council. Those States that are going to join as non-permanent members will be able to do things, change things, have an impact. As long as we can steel ourselves with courage, we will have our debate in the General Assembly on the necessary reform of the Security Council.

I now resume my functions as President of the Council.

I wish to remind all speakers to limit their statements to no more than four minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber.

I now give the floor to the representative of Switzerland.

Mr. Seger (Switzerland) (*spoke in Spanish*): Honouring the request of my French colleague for more linguistic diversity, I offer my greetings to you in Spanish, Madam President.

(*spoke in English*)

I am pleased to take the floor in my capacity as the Coordinator of the Accountability, Coherence and Transparency (ACT) group, a cross-regional group of 23 States. Respecting your call for brevity, Madam President, I will read out an abridged version of my statement, while a copy of the full statement will be circulated in the Chamber.

Like all the speakers before me, ACT would like to acknowledge the efforts of your delegation, Argentina, Madam President, for capably steering the work of the Informal Working Group on Documentation and Other Procedural Questions and for organizing today's debate, which, I have to say, has been very rich and substantive so far. Moreover, ACT commends the Working Group for its work leading to the adoption during the past year of five presidential notes, all of which build on previous Council decisions. In particular, ACT welcomes the commitment to continuing the practice of using wrap-up meetings and informal briefing sessions.

ACT encourages the Council to monitor and report consistently on the implementation of measures on working methods. In particular, ACT calls for the implementation without delay of the presidential notes

contained in documents S/2014/268 and S/2014/393, on enhancing the wider participation and inclusiveness of Council members in the work of the Council and on ensuring continuity in the work of the subsidiary bodies, respectively.

ACT therefore welcomes the efforts of the Council to hold meetings out in the open, especially open debates allowing the participation of the wider membership. However, the response of the Council remains in most cases very limited, and outcomes are adopted before the views of the wider membership are even heard. In that regard, ACT encourages the Council to take note of the recommendations made by all the States participating in today's debate and to provide the wider membership with a summary of those recommendations by the end of the year. That document could serve as guidance for the work of the Informal Working Group in the coming year. Similarly, ACT would encourage the Working Group to hold a meeting in the open debate format in 2015.

One of the priorities of ACT concerns the use of the veto in the case of mass atrocities. ACT has advocated a use of the veto consistent with the purposes and principles of the United Nations Charter. Our group is therefore pleased that France has taken up an idea that many of us have advocated for years, namely, that the permanent members of the Council should voluntarily commit to refraining from using the veto to block Council action aimed at preventing or ending atrocity crimes. While we believe that a commitment from all members of the Council to that end is appropriate, a special responsibility naturally falls to the permanent members of the Security Council.

Even such events as the high-level ministerial event on 25 September have been important milestones. It is now time to make progress towards concrete measures, including the early finalization of a code of conduct that contains a commitment to refraining from the use of the veto in situations of mass atrocities.

In recent years, the Security Council has made some progress in improving its interaction with the International Criminal Court (ICC) and in addressing other related issues. However, the lack of follow-up to referrals by the Security Council remains a matter of concern, as has been mentioned by several speakers before me today. ACT will continue to call for more consistent follow-up, including through the creation of a subsidiary body to address issues related to the ICC.

ACT has also advocated a perspective that is more oriented to conflict prevention in the work of the Security Council and therefore welcomes the adoption of resolution 2171 (2014). In that regard, the Peacebuilding Commission (PBC), as an advisory body to the Council, has a strong role to play in preventing the recurrence of conflicts. Roughly half of all countries coming out of conflict suffer a relapse into violence. Therefore, a coordinated and committed approach to post-conflict peacebuilding is key to preventing such relapses.

Our group is convinced that the PBC can assume the role of a forum where critical situations are discussed early, in an inclusive manner and with all relevant stakeholders. The upcoming 2015 review of the peacebuilding architecture is a valuable opportunity to implement necessary adaptations to further improve that role of the PBC. Finally, we encourage the Council to invite the chairs of the various country-specific configurations of the Peacebuilding Commission to participate in Council meetings.

In closing, I would like to mention one topic that will be crucial for all of us, namely, the appointment of the next Secretary-General in 2016. Repeated calls for more transparency and increased involvement of the General Assembly in the appointment process have been made in the past and are legitimate, since the Secretary-General represents the whole United Nations membership. ACT is therefore of the opinion that the transparency of the overall process, in accordance with relevant General Assembly resolutions, should be enhanced. That will mean listening to the views of Member States and widening the scope of consultations beyond the permanent members. ACT intends to embark in a constructive dialogue with both the Security Council and the General Assembly in that regard.

The Council acts on our behalf. That is why accountability, coherence and transparency in its work and in the implementation of its decisions are so crucial. To that end, I assure you, Madam President, that the ACT group will remain committed to continuing to work constructively with the Security Council and with the wider membership to increase the involvement of non-members and the accountability of the Council.

(spoke in French)

To finish in due form, I would add in my national capacity that Switzerland associates itself with the statement to be made by the representative of Norway

on behalf of the informal Group of Like-Minded States on Targeted Sanctions, as well as with the statement to be made by the representative of Liechtenstein.

The President *(spoke in Spanish)*: I now give the floor to the representative of Saint Lucia.

Ms. Rambally (Saint Lucia): I have the honour today to take the floor on behalf of the group of supporters of General Assembly draft resolution A/61/L.69, a diverse group of 42 developing countries from Africa, Latin America and the Caribbean, and Asia and the Pacific that are united by a common cause — to achieve lasting and comprehensive reform of the Security Council, including of its working methods.

At the outset, on behalf of the L.69 group, let me thank you, Madam President, for convening today's open debate on the working methods of the Security Council and for outlining the broad parameters of the subject through your letter and concept note of 8 October 2014 (S/2014/725, annex). With you at the helm of the Council this month, we are confident that on matters as important as the Council's working methods there will not just be discussion, but that concrete steps will also be taken to ensure that our agreement on the subject today translates into visible action in the Security Council.

I would like to make the following assertions on behalf of the L.69 group for the Council's consideration. First, it would be unfortunate on our part if we were to treat the issue of improvement in working methods as a stand-alone issue distinct from the subject of overall reforms of the Security Council. General Assembly decision 62/557, adopted by consensus, mandated that the question of working methods be one of the five pillars of Security Council reform and be discussed as part of the overall question of Security Council reforms, not in isolation.

Secondly, we should not assume that working methods are divorced from the members that use them. If the membership of the Security Council continues to reflect the post-Second World War architecture of 1945 even in 2014, obviously not much can be expected in terms of improvement in the working methods except to acknowledge with disappointment that the rules of procedure continue to be provisional even 70 years after the Council's creation. This is further exemplified by the fact that the Council has demonstrated little interest in consulting with those affected most by its

decisions, or even in adopting transparent and inclusive rules of procedure.

Thirdly, it is apparent by now that the Council has not acted to harness fully the capabilities of the wider United Nations membership. That is particularly evident in the manner in which it applies coercive measures under Chapter VII, to the neglect of provisions under Chapters VI and VIII, which have proved to be counter-productive in resolving international crises, even as it has sought to expand the definition of peace and security with a view to encroaching upon the Charter-mandated roles of other United Nations organs.

Fourthly, with regard to working methods, we have often been told in the context of the intergovernmental negotiations that permanent members, being permanent, are masters of the Council's working methods and have the sole right to determine them. We humbly beg to differ.

The Council is mandated by the United Nations Charter with the primary responsibility for the maintenance of international peace and security. What the Council does to discharge its responsibility and how it does it is thus of interest to the entire international community, not only to Council members, let alone only the permanent members. Article 24(1) of the Charter clearly prescribes that in carrying out its duties under its responsibility, the Security Council acts on behalf of the wider membership of the United Nations. We therefore all have an equal stake in its effective functioning and working methods.

Fifthly, the Council must also improve its cooperation with regional organizations, particularly with the African Union, since a large portion of the Council's work concerns the African continent. Such cooperation must be serious and include providing assistance to the African region, as per their requirements, not only when some permanent members deem it in their interest.

Sixthly, some very useful suggestions on overall improvements in the working methods were made at the sixty-eighth session of the General Assembly in section 4 of the non-paper circulated on 10 December 2013 by the President of the Assembly at that session. We believe that the Council may find its contents useful throughout this process. It is our considered belief that cosmetic changes to the working methods alone will not help. Real improvements require change in both

process and approach, which as a first step require reform in the composition of the Council.

In conclusion, let me reiterate our considered view that genuine reform in the working methods of the Security Council requires a comprehensive reform in the membership of the Council, with expansion in both the permanent and non-permanent categories, not only improvements in its working procedures. That is essential both for the credibility and continued confidence of the international community in this institution.

The seventieth anniversary of the United Nations provides us a historic opportunity to address this long-standing historical anomaly. Now is the time for collective stock-taking of this institution in which all Member States have reposed their collective trust.

The President (*spoke in Spanish*): I now give the floor to the representative of Costa Rica.

Ms. Chan (Costa Rica) (*spoke in Spanish*): Costa Rica expresses its sincere appreciation to Argentina for organizing this open debate and for the substantive participation of Ms. Kimberly Prost and Ms. Fatou Bensouda on this occasion.

My delegation associates itself with the statement made by the representative of Switzerland on behalf of the 23 States members of the Accountability, Coherence and Transparency Group, and we also align ourselves with the statement to be made later by the representative of Liechtenstein on the International Criminal Court and the use of the veto.

Costa Rica, in its national capacity, wishes to make the following observations and recommendations.

There is an undeniable connection between conflict prevention and the working methods of the Security Council. Acting constantly only in crisis mode, responding and reacting rather than preventing, the Security Council will never be able to anticipate events and intervene early enough to have a preventive effect and to save lives.

Costa Rica's call for improving the working methods of the Security Council is not done in a vacuum. The working methods of the Council play a fundamental role in the Council's ability to fully discharge its mandate of maintaining international peace and security, as we have recently seen in the crises in Gaza, Iraq, Ukraine, Syria, Libya and South Sudan.

In that respect, Costa Rica wishes to acknowledge the work of Argentina and its outstanding team as Chair of the Informal Working Group on Documentation and Other Procedural Questions, and applauds its efforts to leave a substantial legacy in the Working Group.

Presidential note 507 encompassed many of the concerns expressed by the membership of the Organization and resolved several of them, at least conceptually. Thanks to its adoption, we have made significant progress in the areas of transparency and accountability. Nonetheless, a review of the Council's practices reveals that the challenge of consistently implementing adopted agreements still remains.

Costa Rica has called, for example, for the formal adoption of the rules of procedure of the Security Council, and we have called for the adoption of an action plan to fully and systematically implement presidential note 507 and subsequent notes. We will continue to reiterate this call until our voice is heard.

In making these reflections, allow me to make the following recommendations.

Costa Rica welcomes the adoption of resolution 2171 (2014), which set out a whole range of instruments aimed at promoting conflict prevention. We must now make use of them. My delegation expects that the Secretary-General and his Special Advisers on the Prevention of Genocide and on the Responsibility to Protect, *inter alia*, will inform us as soon as warning signs of potential conflict situations appear. Such warnings must be clear, depoliticized and heeded at the earliest possible moment.

In that regard, we also express our support for the Department of Political Affairs in its horizon-scanning briefings and for its Arria Formula meetings, including the participation of civil society.

We cannot overlook the relationship between a serious worsening of the human rights situation and conflicts. Such situations must be brought to the attention of all relevant United Nations bodies, including the Security Council. In this regard, Costa Rica fully supports the Secretary-General's Rights Up Front initiative.

As part of the small five group and now the Accountability, Coherence and Transparency Group, Costa Rica has objected to the use of the veto for obstructing measures seeking to avoid or to resolve conflicts. Costa Ricans are amazed at how, by invoking

the principle of sovereignty, some permanent members have prevented the Security Council from intervening when it should have acted to save lives. We reiterate our call on the permanent members to refrain from using the veto, especially in situations of genocide, crimes against humanity and war crimes. We support the French proposal for the development of a code of conduct regarding the use of the veto and encourage permanent members to adopt a declaration of principles to mark the seventieth anniversary of the United Nations next year.

As the time for appointing the new Secretary-General approaches, Costa Rica calls for a more inclusive, transparent and democratic process. My delegation will pay close attention to that process.

Costa Rica believes that the Security Council should move from a mindset of reaction to one of preventive action. It must be vigilant, strategic and proactive, and more democratic, inclusive, transparent and accountable. Also, the Council must ally itself more closely with, and acknowledge more directly, the work of other United Nations agencies responsible for issues related to international peace and security, which frequently spill over onto the Council's already overstretched agenda.

Many improvements could be achieved by improving the working methods of the Security Council itself. What is missing is political will. We hope that this debate will be able to strengthen that will.

Costa Rica congratulates the President, once again, on convening this important meeting, which represents a big step in the right direction and a reconfirmation of our commitment, and that of all Member States, to improving the working methods of the Security Council.

The President (*spoke in Spanish*): I now give the floor to the representative of Liechtenstein.

Mr. Barriga (Liechtenstein): I thank you, Madam President, for organizing this debate, for the concept paper (S/2014/725, annex) and for your able stewardship of the Informal Working Group on Documentation and Other Procedural Questions.

Liechtenstein aligns itself with the statement delivered by Switzerland on behalf of the Accountability, Coherence and Transparency (ACT) group and also with the statement to be delivered by the representative of Norway on behalf of the Group of Like-Minded States

on Targeted Sanctions. I have the honour to deliver the following remarks on behalf of Costa Rica, Hungary, the Netherlands, Slovenia and Switzerland, as well as my own country. These remarks will focus on the follow-up to Security Council referrals to the International Criminal Court (ICC) and the use of the veto. I hope the Ombudsperson and other members of the Council will not misunderstand this as a lack of interest in the issue of sanctions, which is also important, but it is also in the interest of having an efficient debate.

When the Security Council created the ad hoc International Tribunal for the Former Yugoslavia and the ad hoc International Criminal Tribunal for Rwanda, it took care to ensure an effective follow-up. It invited the Presidents and Prosecutors of those Tribunals to conduct regular briefings, and created the Informal Working Group on International Tribunals to address the day-to-day issues arising from the Tribunals' work. All of us know the tremendous value of such an established mechanism for interaction. We also know that no such mechanism exists to address issues arising from Security Council referrals to the ICC, despite almost a decade having passed since the first such referral by the Council of the situation in Darfur to the ICC.

While individual delegations have made commendable attempts to improve the interaction, for example through informal, interactive dialogue between the Council and the ICC Prosecutor, such innovations have been ad hoc and were left unfinished. In February 2013, the Council formally committed itself to effectively following up on issues of cooperation with international tribunals, including the ICC, but that promise remains unfulfilled. As a consequence, real issues arising from that relationship continue to go unaddressed. In the case of Security Council referrals, the Council can and should act as a powerful enforcement mechanism. We believe it is high time for the Council to start fulfilling its part of the bargain.

The failure of the Sudan, for example, to cooperate with the ICC reflects badly on the Court, through no fault on its own. The repeated failure of the Council, however, to enforce its own resolution 1593 (2005), which imposes an unambiguous obligation on the Sudan to cooperate with the ICC, undermines the credibility of the Council and empties of meaning its public commitment to ensuring accountability for the worst crimes under international law. Creating a follow-up

mechanism to deal with cooperation problems would be a first step in the right direction.

Two "no" votes prevented the Council from referring the situation in Syria to the ICC — two "no" votes against 13 votes in favour, with 65 sponsors. We certainly accept the veto as part of the United Nations Charter, which we all ratified, but we do not accept that it be used in a way contrary to the very purposes and principles contained in the Charter. We have repeatedly called on the permanent members to commit to refraining from the use of the veto in situations involving genocide, crimes against humanity and war crimes.

The meeting convened last month by the French and Mexican Foreign Ministers on that subject demonstrated that many Member States share that view. We applaud the French initiative and hope to see more concrete results soon. In our view, a code of conduct should also have a preventive function. It should allow the Council to stop these horrendous crimes from happening in the first place. We also believe that elected members of the Council should sign on to such a code of conduct. They have an equally important obligation not to vote against Council action in situations involving atrocity crimes. For our part, as non-members, we will continue to work through the ACT Group to contribute to the success of that initiative.

The President (*spoke in Spanish*): I now give the floor to the representative of Japan.

Mr. Okamura (Japan): At the outset, I would like to express my gratitude to you, Madam President, for your initiative in holding this debate on the working methods of the Security Council. I would also like to express my appreciation for your excellent work in your capacity as Chair of the Informal Working Group on Documentation and Other Procedural Questions. The Working Group has recently produced the note by the President of the Security Council, document S/2014/739, concerning the speaking order for meetings of the Council. I believe that that concrete outcome will, coupled with previous notes by the President, enhance the efficiency and transparency of the work of the Council.

We, the Member States, confer on the Security Council primary responsibility for the maintenance of international peace and security. All Member States, including non-Council members, are bound by its decisions. The way the Council conducts its work

is a matter of critical importance, which has a direct impact on the interests of all Member States. That is the reason Japan attaches great importance to the efforts to improve its working methods.

Some progress has been made so far, and I am proud that Japan is one of the leading contributors to the discussion of its working methods. I have two books with me. Japan, in its capacity as the Chair of the Informal Working Group on Documentation and Other Procedural Questions, took the initiative of compiling presidential note S/2006/507, which is known as the Blue Book. Japan also took the lead, as Chair of the Working Group, to update it, and issued presidential note S/2010/507, which is known as the Green Book. I reiterate Japan's commitment to playing an active role with other Member States in order to improve the Security Council's working methods. We must recognize that more efficient and transparent procedures are required of the Council when it makes its decisions in order that the Council in particular, and the United Nations as a whole, can meet Member States' expectations, and I urge for greater cooperation on the part of Council members, including the permanent members.

I would now like to briefly touch on the two topics the President has suggested. I believe United Nations sanctions are an effective tool for establishing and maintaining peace and security, and Japan is firmly committed to full and effective implementation of the relevant Security Council resolutions. We Member States must continue to ensure the legitimacy and credibility of the sanctions if we are to gain wider support in the international community. Sanctions are directly linked to human rights issues, and it is essential that listing and delisting be conducted according to the principle of due process. In that context, Japan considers the activities of the Ombudsperson very important. We must be flexible and take the specifics of each case into consideration if our sanctions are to work effectively and properly.

Regarding the Security Council's referrals to the Prosecutor of the International Criminal Court (ICC), I would like to stress that Japan values the work of the Court, where cases involving the most serious crimes of concern to the international community in general are investigated, prosecuted and decided, thus helping to achieve justice for victims and to uphold the rule of law. Japan contributes to the Court not only financially but also by sending qualified judges. We are resolved to continue to cooperate with the Court to the maximum extent possible. Since the Security Council does not have a specific mechanism for following up cases it refers to the Prosecutor of the ICC, it should determine what measures should be taken through dialogues with the interested countries.

Last but not least, while improving working methods is important, it is not enough on its own to genuinely strengthen the legitimacy of the Security Council, which should reflect the geopolitical realities of the twenty-first century. Next year we will celebrate the seventieth anniversary of the founding of the United Nations. I would like to express my heartfelt wish to see reform of the Security Council that will make it more broadly representative, efficient and transparent and thereby further enhance its effectiveness, legitimacy and implementation of its decisions.

The President (*spoke in Spanish*): There are still some 38 speakers remaining on my list for this meeting. Given the lateness of the hour, I intend, with the concurrence of the members of the Council, to suspend the meeting until 3 p.m.

I would like to once again thank all the speakers for their constructive contributions to this open debate, as well as the Prosecutor of the International Criminal Court and Ms. Prost, the Ombudsperson of the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, which is chaired by the next President of the Security Council for the month of November.

The meeting was suspended at 1 p.m.