

**Security Council**

Sixty-ninth year

*Provisional***7285**<sup>th</sup> meeting

Thursday, 23 October 2014, 3 p.m.

New York

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<i>President:</i>	Mrs. Perceval/Mr. Oyarzábal/Ms. Millicay . . . . .	(Argentina)
<i>Members:</i>	Australia . . . . .	Mr. White
	Chad . . . . .	Mr. Gombo
	Chile . . . . .	Mr. Llanos
	China . . . . .	Mr. Xu Zhongsheng
	France . . . . .	Mrs. Le Fraper du Hellen
	Jordan . . . . .	Ms. Al-Hadid
	Lithuania . . . . .	Mr. Špokauskas
	Luxembourg . . . . .	Ms. Lucas
	Nigeria . . . . .	Mr. Haidara
	Republic of Korea . . . . .	Mr. Park Yong Min
	Russian Federation . . . . .	Mr. Sergeev
	Rwanda . . . . .	Mr. Nkerabigwi
	United Kingdom of Great Britain and Northern Ireland . . .	Mr. Meek
	United States of America . . . . .	Mr. Simonoff

**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 resumed at 3.10 p.m.*

**The President** (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Hungary and Nicaragua to participate in this meeting.

I wish to remind all speakers to limit their statements to no more than four minutes so that the Council can 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 Thailand.

**Mr. Sinhaseni** (Thailand): Let me congratulate Argentina on its assumption of the Security Council presidency for October. We thank you, Mr. President, for the excellent concept paper (S/2014/725, annex), which has facilitated our preparations for the discussions today.

My delegation also appreciates the insightful briefings by Ms. Kimberly Prost, Ombudsperson of the Committee 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.

It is in the interest of all Member States to see improvements in the working methods of the Security Council. Such issues as efficiency, effectiveness, transparency, participation, accountability and decision-making continue to be the centrepieces of our discussions. My delegation will confine our discussion to the issue of the enhancement of due process in the sanctions regime, as clearly outlined in the concept paper.

Under Article 41 of the Charter of the United Nations, the Security Council is given authority to apply measures to prevent or respond to what is perceived as threats to international peace and security. Sanctions are one of the tools frequently used and have long been at the centre of debate. Thailand's views on this point are the following.

First, we support the imposition of targeted sanctions against individuals or entities rather than sanctions against an entire State. Targeted sanctions generate a more direct impact in terms of changing an individual's behaviour, and they minimize unintended

consequences on a country's overall social and economic development.

Secondly, we attach the highest importance to the issue of criteria and procedures for listing and delisting with regard to sanctions. What is required is an independent, accessible and transparent mechanism. Such a mechanism must apply to all subsidiary bodies of the Council with listing and delisting powers. The inclusion of individuals and entities on the list needs to be carried out with utmost care. Unclear evidence and insufficient information may lead to an erroneous placing of individuals and entities on the list. On the other hand, the issue of delisting is no less important and requires our equal attention. Thailand therefore encourages the respective sanctions committees, panels of experts and the Office of the Ombudsperson to continue interacting with all relevant parties and stakeholders to refine the process in order to ensure fairness and transparency.

Thirdly, after targeted sanction are imposed, it is necessary to put in place effective monitoring mechanisms to ensure that the measures are fully and effectively implemented.

Fourthly, sanctions need to be time-bound. They cannot be indefinite. There must also be periodic assessments and revisions. However, when sanctions fail to serve their original purpose, the Council needs to modify its approach and find alternative measures. Once the objectives of the sanctions are achieved, such sanctions regimes should be terminated. But that opens the question of who will decide if the objectives have been met and when would be the best time to lift the sanctions. In our view, the answer requires a collective assessment, one best undertaken by respective sanctions committees, United Nations entities, key stakeholders, the Council itself, relevant regional organizations and, in some cases, the targeted States.

Fifthly, without full implementation by Member States and relevant stakeholders, sanctions regimes will not succeed. Therefore, the wider United Nations membership should have an increased role in the discussions prior to the imposition or renewal of sanctions. The discussions of subsidiary Council bodies should be made more accessible to non-Council members. More information regarding their operations, including various reporting, reviewing, monitoring and evaluation mechanisms, should be made available in order to increase transparency and accountability.

My delegation commends the work of the Council's Informal Working Group on Documentation and Other Procedural Questions, chaired by Argentina, particularly in terms of substance, but, equally important, on the Council's working methods. As the President said this morning, that concerns the way, and not the how or the why. For our part, Thailand is fully committed to continuing our active participation in this important issue.

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

**Mrs. Miculescu** (Romania): Let me join my Thai colleague in commending Argentina on its distinguished presidency, and on convening this important and timely meeting.

Improving the Council's working methods, increasing its transparency and broadening partnerships that can support the Council in fulfilling its essential task of maintaining international peace and security represent a work in progress that we are all committed to. We therefore very much welcome this annual exercise. In particular, we appreciate today's debate, as it allows us to put forward some modest considerations on two topics that Romania pays great attention to, both in its national capacity and as a member of the European Union (EU).

As regards sanctions, we have acquired, at the EU level, substantial experience in balancing security and fundamental rights that could bring added value to the broader debate at the international level. The obligation to include safeguards when adopting restrictive measures, whether autonomously or pursuant to Security Council resolutions, is established by the Treaty on the Functioning of the European Union. When examining the legality of such measures, the Court of Justice of the European Union explained that the right to effective judicial review requires that any decision that affects a person individually must be taken on a sufficiently solid factual basis. Judicial review cannot be carried out in the abstract, but must assess whether the reasons are substantiated.

Considering those requirements, we warmly welcome the role and the activity of the Office of the Ombudsperson, a valuable rule-of-law component in the sanctions regimes, and we express our full support for Ms. Kimberly Prost's endeavours.

To conclude on this point, we would like to mention the ongoing EU legislative process meant to amend the

rules of procedure of the General Court. The aim is to establish an adequate system of procedural safeguards that addresses the need for confidentiality without affecting the right to a fair trial.

Let me now turn to the second subject, the International Criminal Court (ICC). I am very happy to see the ICC Prosecutor here today. We take the view that it would be a positive step to establish a mechanism on the follow-up of referrals made by the Security Council in accordance with the Rome Statute. We have in mind, in this respect, the following considerations.

The broad membership of the Rome Statute, which currently includes 122 signatory States, and the Council's competence to refer situations to the ICC even from non-States parties create the possibility of an overlap between the activities of the Security Council and those of the ICC with respect to the same situation or situations at certain moments in time. With that possibility, strong coordination between the two institutions is undoubtedly required. One could mention the examples already given, such as aligning sanctions lists with issued warrants. Improved cooperation between the Council and the Court would certainly consolidate international justice and ensure coherence in the exercise of the mandate that each of the two institutions has in the maintenance of peace and stability in the world.

Another perspective is the activity of the Court compared to that of the ad-hoc Tribunals, which benefit, at present, from the attention of an informal working group. A fortiori, a dedicated working group for the ICC would be justified, notwithstanding the formal argument of their different origin: in one case, Security Council resolutions, in the other, an international treaty. In our view, that formal argument should not prevail over the substantial one — that of the scope of judicial activity — as the consequences of interaction between the two institutions are essential to achieving the Court's mandate.

The Security Council has already made a substantial contribution to combating impunity by creating the ad hoc Tribunals. The relationship with the ICC, for which the founding act of the Court provides a solid basis, is an opportunity to build upon and to expand that contribution. There is a need for a constant and meaningful exchange of views among Council members in order to address situations that are referred and the consequences for non-compliance with cooperation obligations under the referrals. On

the basis of the periodic reporting by the Office of the Prosecutor, adequate follow-up measures, as well as instances where a deferral of the investigation or prosecution could be decided upon, could be examined.

Taking into account all those arguments, let me conclude by saying that such a mechanism would be a step in the right direction in developing a mature and balanced relationship, enabling both institutions to exercise their mandates in an even more efficient and complementary manner. Romania appreciates your synergies, Madam President.

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

**Ms. Bolaños Pérez** (Guatemala) (*spoke in Spanish*): I would like to congratulate you, Madam President, on having organized this open debate and to thank you for the concept paper (S/2014/725, annex) on such an important topic. We would also like to thank Ms. Kimberly Prost, Ombudsperson of the Committee 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, for their comments.

My delegation commends the work done by Argentina as Chair of the Informal Working Group on Documentation and Other Procedural Issues. During the past two years, thanks to the remarkable efforts of its delegation, we have agreed on six notes by the President of the Security Council that reflect the consensus on various issues. While recognizing the importance of the adoption of those notes and their complex negotiation, we believe that the due implementation of all those notes is even more important. We cannot allow for such developments to become a dead letter.

On the other hand, there are several other outstanding issues to improve, for example, the need to achieve better interaction between the Council and the Chairs of the Peacebuilding Commission and of the country configurations, in particular their participation in Security Council meetings, including informal consultations, and a more analytical annual report of the Security Council on situations under consideration. We also need to improve the transparency of the work of the Security Council and its interaction with States that are not members of the Council during wrap-up sessions, as well as the pursuit of mechanisms to increase the transparency, interaction and efficiency of the work of the subsidiary organs and the sanctions

committees. We reiterate the importance of continuing to consider the issue of the selection criteria for experts of the subsidiary organs of the Security Council, in accordance with the note by the President S/2006/997, in particular the criterion of broad geographical representation. We also believe that it is essential to further promote interaction between the Security Council and troop-contributing countries.

The establishment of the Office of the Ombudsperson has been one of the critical elements in improving the procedural safeguards of the United Nations sanctions regime. In the five years that the Office has been functioning, we cannot forget the reasons that led us to establish it. We welcome the achievements to date, which, while significant, are not definitive. Much remains to be done to achieve a system that meets everyone's expectations.

In that regard, we wish to reiterate something that we have said before in this Chamber. The mandate of the Office of the Ombudsperson should be extended in two ways: first, to other sanctions regimes and, secondly, in order to entrust it with responsibilities beyond the removal of names from the sanctions list. That is to say, we would prefer the Office to have a greater role in all sanctions processes, including serving as a filter during the drawing up of lists. We must be mindful of the fact that due process applies not only to individuals but also to the effective implementation of sanctions. We believe that the notion of fair and transparent processes must be equally present in all regimes. That is central to the credibility and legitimacy of the Security Council's work.

In that regard, I would also like to mention the importance of promoting and ensuring the independence of the Office of the Ombudsperson. That requires adequate arrangements with regard to the management structure and conditions of service of the Office and its members. We call on the Secretary-General to take the necessary measures to address that issue.

With regard to the follow-up of situations referred by the Security Council to the International Criminal Court, we believe that that is a critical issue, since it concerns the important relationship between the two bodies. My country has devoted enormous efforts to improving and strengthening that relationship. Such experience results from our recent membership of the Security Council, during which we discovered that the relationship with the Court is holistic and dynamic and requires ongoing dialogue.

In that regard, we reiterate our belief that the best way to fill that gap is to have an appropriate forum to discuss all aspects of the relationship between the two bodies. We believe that, first, because of the large number of referrals to the Court in the Council's work, which shows a clear development in its approach towards the Court, The second reason is because the ICC deals with complex situations, in which the Security Council seeks to achieve similar goals. Several arrest warrants have been issued against individuals responsible for atrocities committed during some of the worst conflicts on the Council's agenda. The third reason is because the Council must exercise its powers of referral and postponement in an effective and responsible way.

When the Council refers a situation to the Court, it must therefore be ready for the Court to effectively fulfil its mandate. When the rule of law is not respected and the Council does not prevent such a breach, the rule of law is violated. The reluctance of the Council to take further action or to follow up on matters before the Court, limiting itself to receiving periodic reports from the Prosecutor on specific country situations, shows its indifference not only to upholding the rule of law and to guaranteeing accountability in general, but also, in particular, to ensuring the effective implementation of its own decisions.

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

**Mr. Patriota** (Brazil): Let me thank you, Madam President, for having convened this open debate on the working methods of the Security Council. I wish to congratulate Argentina on its leadership in the Informal Working Group on Documentation and Other Procedural Questions. I also wish to thank Ms. Kimberley Prost for her briefing and Ms. Fatou Bensouda for her briefing and her presence.

The concept paper (S/2014/725, annex) that guides our discussion today highlights some important issues related to the Council's work, in particular due process, targeted sanctions and the referral of cases to the International Criminal Court (ICC). The Brazilian Government is of the view that sanctions regimes must always comply with the highest standards of human rights and international law.

In that sense, we note with appreciation the work carried out by the Ombudsperson of the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and

entities, which has proved to be a valuable asset to increase fairness and transparency in the consideration of delisting requests. We encourage the Security Council to continue studying ways to strengthen due process within sanctions regimes, including through the extension of the Ombudsperson mechanism to other sanctions committees.

The appointment of the Ombudsperson is certainly a step in the right direction, but much more remains to be done with regard to the promotion of human rights, due process and international law in the context of the sanctions regimes. In improving the work of those committees, one must, however, bear in mind that sanctions are simply a tool at the disposal of the Security Council to give effect to its decisions.

This month marks the tenth anniversary of the Relationship Agreement between the United Nations and the International Criminal Court. The pursuit of international justice and the achievement of lasting peace and security are common objectives that mutually reinforce each other. Both the Court and the Security Council have pivotal, albeit different, roles in pursuing those objectives and striking the right balance between peace and justice, accountability and reconciliation. That is valid both for referrals and non-referrals of situations, where the same rules and principles should apply equally to all, thus avoiding double standards and selectivity.

Another issue of concern relates to the costs involved in referrals. We reiterate our call for the implementation of article 115 (b) of the Rome Statute in relation to the financial burden of referrals. The expenses of the Court relating to referrals by the Security Council must be met by funds of the United Nations, not fall just upon the parties to the Rome Statute. The Court will only be strong based on the support it receives, not only from States parties, but also from the United Nations. We ensure that the cooperation between the Court and the United Nations goes beyond rhetoric and finds its concrete implementation in the funding of referrals.

The Security Council acts on behalf of the 193 States Members of the United Nations, and it is therefore of utmost importance to ensure that that body be more transparent and more accountable to the broader membership. In a sense, Brazil has long advocated that the Council should carry out its work, as often as possible, in an open and public manner. Brazil believes that this organ should also consider new ways to improve the participation of troop-contributing

countries, regional and subregional organizations, countries hosting peacekeeping operations and other relevant actors in its decision-making process.

It is almost imperative to improve communication and dialogue between the Security Council and other United Nations bodies. Closer cooperation is needed, not only with the General Assembly regarding, for instance, the issue of Security Council's encroachment on the General Assembly's prerogatives, but also with the Economic and Social Council and the Peacebuilding Commission (PBC). We must ensure that the process of reviewing the peacebuilding architecture in 2015 will allow the Council to have a better understanding of the advisory, early warning and preventive roles that the PBC can play, and is playing.

*The President returned to the Chair.*

We encourage the Council to dedicate more of its time and efforts to preventive diplomacy and the peaceful settlement of disputes, in accordance with Chapter VI of the Charter. I would like to commend Argentina for its work as Chair of the Informal Working Group on the Documentation and Other Procedural Questions. The adoption over the past 14 months of six notes concerning the Security Council's working methods is evidence of that country's engagement in promoting a more effective, accessible Council. Brazil fully shares that commitment.

It is necessary to recognize that there is a limit to what working methods can do for the Council. Changes in working methods alone will not provide the Security Council with the tools needed to adequately address contemporary challenges. Some of the shortcomings in the working methods of the Security Council can only be corrected in the framework of a comprehensive reform of that body. Initiatives aimed at achieving a more accountable and transparent Council are more likely to prosper in an expanded and more inclusive Council with new permanent and non-permanent members, a Council reflective of the realities of the twenty-first century and committed to fresh and more participatory working methods.

In concluding, I invite us all to take the opportunity provided by the seventieth anniversary of the Organization next year to finally achieve a concrete outcome to the long overdue reform process of the Council. By September next year, let us fulfil the mandate extended by our heads of State and Government

at the 2005 Summit, when they unanimously called for an early reform of the Security Council.

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

**Mr. Thöresson** (Sweden): Today I have the honour to speak on behalf of the Nordic countries Denmark, Finland, Iceland, Norway and my own country, Sweden. Let me first of all thank you, Madam President, for organizing today's debate. As Chair of the Informal Working Group on Documentation and Other Procedural Questions, Argentina has made important contributions to improving the working methods of the Security Council. We hope that your successor as Chair will be equally diligent.

Let me also thank the two briefers from this morning, Ombudsperson Kimberly Prost, and the Prosecutor of the International Criminal Court (ICC), Mrs. Fatou Bensouda, for their presentations and tireless efforts.

Let me start by addressing the two subject areas that are the focus of the excellent concept paper (S/2014/725, annex) on enhancing due process in sanctions regimes and the follow-up to Security Council referrals to the ICC.

The Nordic countries welcome this opportunity to take stock of the situation concerning listing and de-listing. A gradual approach by the Council has made steady advances possible for the Al-Qaida sanctions regime, as most recently witnessed by some further improvements made in resolution 2161 (2014) and usefully discussed in the Ombudsperson's eighth report (S/2014/553). However, we urge the Council to actively consider how similar due process guarantees could be introduced into other sanctions regimes. The informal group of like-minded countries has repeatedly emphasized the importance of taking such a broader perspective. Here as well, a gradual approach would yield the best results.

The Nordic countries commend the important and persistent work of the Office of the ICC Prosecutor aimed at developing the cooperation between the ICC and the Security Council on effective follow-up to referred situations. As has also been noted in the concept paper, the fulfilment of the mandate of the Court is dependent upon full cooperation by States. The ultimate aim of a referral by the Council is in jeopardy if States fail to cooperate without the Council taking

appropriate action. An effective mechanism to follow up on referrals would therefore not only strengthen international justice, but also bolster the relevance and integrity of Council decisions.

In the past year, the attention to the working methods of the Council has been further strengthened. The Accountability, Coherence and Transparency (ACT) group, now in its second year, has made important contributions in that regard, and we fully support its statement, as presented by our Swiss colleague earlier today. I would also like to mention the important report of the Security Council, entitled "Security Council Working Methods: A Tale of Two Councils", not least its publication earlier this year. It provides an extensive history of the working methods of the Council. That was followed by a joint ACT-Security Council seminar on the report.

The presidential notes that have been adopted since we last met on this topic in October 2013 cover a number of important issues. In particular, we would like to highlight the note on penholders, which was adopted in April (S/2014/268). In our view, it is imperative that all members of the Council, permanent members and non-permanent members, have a real possibility of drafting and presenting products. The later note (S/2013/515) on enhancing the dialogue among Council members is also very relevant in that regard. While we welcome the new presidential notes, we continue, however, to stress the importance of implementation. There can be no real progress unless there is sufficient follow-up, and there is still much to do in that regard.

The core of the discussion on working methods has not changed since last year. For the Nordic countries it is all about the effectiveness and transparency of the Council, and the possibilities available to non-members to interact with members of the Council in a substantive way. With the challenges facing the international community today, it is imperative that the Council draw upon other relevant United Nations entities in order to help resolve crises, but also as a means to prevent crises at the outset. In particular, we believe that the cooperation between the Peacebuilding Commission and the Council should be further developed. The horrendous public health catastrophe in West Africa, with its broad socioeconomic implications for the whole region, has strengthened our conviction in that regard. The upcoming 2015 review of the peacebuilding architecture will be a good opportunity to explore that further.

Finally, in the past few years we have unfortunately seen several examples of inaction on the part of the Council in the face of unspeakable human suffering and mass atrocities. That has led to warranted criticism and a necessary debate about the Council's role, and more precisely the use of the veto. We would like to commend France for taking up the proposal that the permanent members voluntarily commit to refrain from the use of the veto to block Council action aimed at preventing, or ending, atrocities. We welcome the ministerial meeting held in September on that important topic under the co-chairmanship of France and Mexico. The Nordic countries would like to emphasize the importance of keeping that question high on the agenda with a view to framing a code of conduct that is consistent with the common commitment of United Nations members to halt atrocities.

In the meantime, we commend the increased use of briefings in the Council by the United Nations Office of the Special Adviser on the Prevention of Genocide and the Office of the Special Adviser on the Responsibility to Protect, as well as relevant Special Rapporteurs, where populations are at risk of mass atrocities.

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

**Mr. Montaña** (Mexico) (*spoke in Spanish*): Madam President, I should like to thank your delegation for organizing this debate, for presenting the concept note (S/2014/725, annex) as a guide to this discussion, and for your work as Chair of the Informal Working Group on Documentation and Other Procedural Questions. In that Group, the five presidential notes on the working methods of the Security Council, which have been presented when your country has held the presidency of the Council over the past two years, are evidence of Argentina's commitment and efforts to strengthen and broaden the Council, as stated in presidential note S/2010/507.

We also wish to recognize and acknowledge the statements presented by the Ombudsperson of the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, Ms. Kimberly Prost, and by Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC).

The increasing participation of Member States in these open debates clearly reflects improvements in the working methods of the Council. Although that progress

has not come as fast as we would like, we are seeing very valuable improvements. The flow of information towards States non-members of the Council, even when exchanged outside the Chamber, has improved in recent years. The holding of monthly wrap-up sessions presents two sides of the same coin; those who convene such meetings promote transparency and strengthen the value of this work.

In 2009, Mexico actively supported the establishment of the Office of the Ombudsperson of the 1267 (1999) Committee and the appointment of Judge Prost, in the strong conviction that her mandate was essential in the face of systematic violations of the human rights of individuals and entities subject to the sanctions of the Committee. My delegation joins with those who insist that the inclusion, amendment or delisting of the names of individuals or entities be based on due process. We believe that without a review mechanism, the cooperation and support of Member States in this area could suffer irreversible erosion in our work.

Regarding the second topic proposed for this debate, my delegation strongly reiterates the importance for the Council and our work that the purposes of the International Criminal Court under Chapter VII of the Charter of the United Nations be supported by the establishment of an internal Security Council mechanism to follow up the referral of cases. We also clearly affirm that the Rome Statute confers on the Security Council the ability to request the Court to suspend an investigation or indictment, which should be used in a responsible manner with due consideration and a careful assessment of its implications for the registration of evidence, the status of detained individuals and the protection of victims. We believe that this authority should be used exclusively when considerations of peace and justice are in clear conflict.

The lack of cooperation on the part of States is undoubtedly one of the most serious challenges to the effective performance of the Court. It undermines the system and perpetuates unacceptable impunity for those most serious crimes of paramount international concern. That is why, alongside France, Mexico has clearly and actively supported limitations on the use of the veto on the part of permanent members of the Council in cases of genocide, war crimes and crimes against humanity. We note with satisfaction that Council members have done their utmost to combat

impunity. We are convinced that there can be no lasting peace without justice.

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

**Mr. Van Oosterom** (Netherlands): I thank you very much, Madam President, for organizing this open debate, for your valuable work as Chair of the Informal Working Group on Documentation and Other Procedural Questions, and for your personal leadership on the issues we are discussing today. We also express our deep appreciation to Ombudsperson Kimberly Prost and International Criminal Court (ICC) Prosecutor Fatou Bensouda for their briefings and tireless efforts.

I make this statement on behalf of the Kingdom of Belgium and the Kingdom of the Netherlands. We align ourselves with the statement to be made by the representative of Norway on behalf of the informal group of like-minded States on targeted sanctions. In view of the time constraints, my full statement is available on paper and will later be available on Twitter and on the websites of our two Missions. I will limit myself today to addressing the two key points of our statement.

As stated before, the Netherlands and Belgium are in favour of Security Council reform. We want to make the Council more representative of today's geopolitical realities and more equitable, legitimate, accountable, effective and transparent. Even as discussions of reform are ongoing, improvements in the working methods of the Council should already be under way, and therefore we welcome today's debate. I will focus on the issues raised in the excellent concept paper before us (S/2014/725, annex).

My first point concerns the strengthening of due process in sanctions regimes. We thank the Ombudsperson, Ms. Prost, for the good work she has done in fulfilling her mandate. We welcome the reports of her Office. These reports indicate key areas that require further strengthening in terms of due process. Due process is crucial to the sanctions regimes, and we therefore should welcome five specific improvements in that area: first, a separate and permanent Office of the Ombudsperson; secondly, more safeguards for the independence of the Ombudsperson; thirdly, improved sharing of information by Member States; fourthly, more transparency in the process of listing individuals and entities; and fifthly, extending the mandate of



the Office of the Ombudsperson to all other sanction regimes.

My second point concerns the follow-up of referrals to the ICC. Sustainable peace and security can be achieved only if perpetrators of the most serious crimes are brought to justice. The international community must work better together to achieve that aim. All States and the Council have a moral duty to cooperate in the investigation and prosecution of those horrendous crimes. We commend the Council for assuming its responsibility by referring situations to the Court, as it has done with the situations in the Sudan and in Libya. We underline that the Council has a particular responsibility to provide political support for its referrals of situations to the Court and for their implementation.

I note that we are waiting for a referral of the situation in Syria to the ICC. We stress that all States parties are obliged to cooperate with the Court under the Rome Statute. As to the non-State parties, the Council has the capacity to oblige them by adopting resolutions to cooperate with the Court. We would like to see the Council apply that option more frequently.

Belgium and the Netherlands welcome the constructive cooperation between the Council and the Court over the past decade, but we would also welcome more frequent interaction with the Court, a good example of which was the Council's visit to the Court in August. The active cooperation and follow-up of the Council to enforce its own resolutions are essential. That could be done by expanding the mandate of the Informal Working Group on International Tribunals to include the Court as well. In that context, Belgium and the Netherlands wish to recall General Assembly resolution 68/305, in which the need for proper funding of the International Criminal Court was underlined.

As we heard from Ms. Bensouda, the ICC is currently coping with serious capacity constraints and has difficulty conducting crucial investigations. Therefore, it is worth remembering that the Relationship Agreement between the ICC and the United Nations envisages the Court to be reimbursed by the United Nations for expenses incurred in connection with Security Council referrals. We invite the United Nations membership to reflect on that.

My third point concerns working methods. Belgium and the Netherlands remain committed to the improvement of the working methods of the

Council. We are grateful for the various initiatives taken in past years by members of the Council to improve transparency, openness and accountability. We encourage Council members to do even more. Improving the Council's working methods should be an ongoing process. In that regard, let me highlight our support for the French proposal for restraint in the use of the veto in situations involving mass atrocities. We commend France and Mexico for having organized the excellent high-level meeting during the ministerial week last month. We would like to reiterate our full support for that important proposal.

In conclusion, let me again thank you, Madam, for organizing this important debate. Proper follow-up would enhance the efficiency, transparency and interactivity of the work of the Council. It would strengthen the effectiveness, credibility and accountability of that lofty institution. Both Belgium and the Netherlands stand ready to be a partner in pursuing that important purpose.

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

**Mr. Lambertini** (Italy) (*spoke in Spanish*): I thank you, Madam President, and the Argentine presidency for convening this important debate on the working methods of the Security Council. It is a main pillar of the overall reform of the United Nations that we consider necessary. In the current system, too, transparency, openness and efficiency are more necessary than ever to promoting a sense of ownership of the Council on behalf of the entire international community.

(*spoke in English*)

We commend the improvements that have been made in rendering the Council's working methods more responsive to the growing demand for openness and interaction among Council members and the broader membership. I am referring, for instance, to the increasing number of open debates and the informal wrap-up sessions by the Security Council Presidents on their monthly work.

As President of the Council of the European Union, Italy praises the attention dedicated to cooperation between the European Union and the United Nations. But more improvements in the Council's working methods are needed, such as greater interaction between the Council and the wider membership through regular consultations and detailed reports, the deeper involvement of interested parties and regional

organizations, and more contacts with other main bodies of the United Nations.

We also wish to underline the importance of the Council's consultations with countries that contribute troops and police officers to peacekeeping operations. A perspective from the field can be fundamental, especially when mission mandates are being defined or renewed. Italy has welcomed past briefings to the Security Council by the military leadership of United Nations peacekeeping operations and looks forward to seeing United Nations Force Commanders more involved in the decision-making process.

At a time of serious crises in several areas of the world, improved working methods are also crucial to the Security Council's ability to fulfil its main responsibility of maintaining international peace and security. That also holds true for ensuring effective and responsible follow-up to cases referred to the International Criminal Court by the Council, acting under Chapter VII of the Charter of the United Nations. We believe that the Council should have a forum where such follow-ups can be regularly discussed.

We should redouble our efforts to ensure accountability for the most serious crimes of international concern. The fight against impunity will not be effective without greater cooperation, both collectively and individually. One fundamental challenge is how to respond to cases of non-cooperation on the part of States. Non-respect of Court-ordered arrest warrants constitutes a violation of international law. In specific cases referred by the Security Council, such violations also constitute a breach of obligations under the Charter of the United Nations.

Concerning the role of the Ombudsperson, from whom we have heard this morning, we should acknowledge that ensuring respect for the rule of law and human rights is an essential part of our task in countering terrorism. Therefore, providing fair and clear procedures for listed individuals has to be seen as part of our collective action. Consequently, the work of the Ombudsperson should receive full support and cooperation to ensure adequate and timely consideration of requests from individuals seeking removal from the consolidated list.

Improving the working methods is part of the Security Council reform process. Italy believes in a comprehensive reform of the Security Council that encompasses all five clusters, including working

methods. The veto mechanism is one of the key issues of Security Council reform. The Security Council plays a crucial role in regulating international relations. My country is opposed to any attempt to delegitimize the authority of the Council. At the same time, we are all aware that the current veto system does not reflect today's reality. Moreover, in some cases it has prevented the Security Council from delivering appropriate responses in cases of mass atrocities. While we are working on a comprehensive solution, something can be done under the current system.

We join those who call for a voluntary code of conduct for permanent members of the Council on the use of the veto when taking action to prevent or end mass atrocities. Veto power presumes a clear responsibility to prevent or end the perpetration of atrocity crimes. In that respect, Italy is ready to engage with the rest of the membership in a constructive dialogue leading to an early outcome.

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

**Mr. Braun** (Germany): Germany is pleased to contribute to this important debate, which is central to our engagement within the United Nations. I thank Argentina for providing a platform for our deliberations on improving due process and targeted sanctions, as well as a better follow-up of Security Council referrals to the International Criminal Court (ICC). I am also grateful to ICC Prosecutor Ms. Fatou Bensouda and Ms. Kimberly Prost for their briefings and proposals.

Due process in the context of targeted sanctions has been of concern to the United Nations for many years. Among the many good reasons to ensure high standards of rule of law and transparency in the implementation of sanctions regimes, one of the most important is credibility. Our sanctions regimes need to follow rules and procedures based on the principles of the United Nations. They must give everyone affected the means to understand their rationale and they have to provide possible remedies. Only then will the sanctions reach the degree of worldwide acceptance and implementation necessary to effectively target the challenges they were designed for in the first place.

The Ombudsperson for the Al-Qaida sanctions regime sets a positive precedent in that context. By introducing an Ombudsperson, real progress in due process was made, although there is still room for improvement. With a view to suggesting further

concrete measures to be taken, Germany would like to associate itself with the statement to be delivered by the representative of Norway, on behalf of the informal group of like-minded States on targeted sanctions, regarding the Ombudsperson and the Al-Qaida sanctions regime.

At the same time, there is also a need to improve due process in other United Nations sanctions regimes. We therefore recommend building on the lessons learned from the creation of the Office of the Ombudsperson and exploring the possibilities of applying procedural safeguards to other appropriate sanctions regimes as well. In that context, I would like to underscore the important work that is ongoing in the high-level review of United Nations sanctions sponsored by Australia, Finland, Greece, Sweden and Germany. That initiative addresses all United Nations sanctions regimes and relevant actors. It aims to establish coherent and transparent standards and to make United Nations sanctions more effective, more credible and better understood. We look forward to presenting our findings to the wider United Nations community before the end of this year.

Germany welcomes the referral of cases by the Security Council to the ICC. Those mandates underscore the central role that traditional accountability plays in conflict resolution, but clearly it is not a one-way street. The Security Council should assume its responsibility by establishing a follow-up mechanism for the cases it has referred to the ICC. What form the mechanism may take is a topic that we should discuss in depth. Indicative input may come from the Informal Working Group on International Tribunals. At the same time, we may not forget that both the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are United Nations courts, so the working methods of the Informal Working Group cannot be duplicated by the independent ICC.

I would like to reiterate the great importance Germany attaches to due process in targeted United Nations sanctions, the role of the ICC and the improvement of the working methods of the Security Council. In that regard, like Italy has just done, we commend the initiatives brought forward by France and Mexico on the use of the veto and by the Accountability, Coherence and Transparency group.

At the same time, we are convinced that reforming the Security Council's working methods is not enough to achieve greater representativeness, transparency and

accountability. Many among the States Members of the United Nations share that view and look to the year 2015 as the year to bring about reform both in the methods and in the structure of the Security Council, which is at the core of securing peace and stability worldwide.

**Mr. Masood Khan (Pakistan):** An open debate on the working methods of the Security Council under your presidency, Madam President, is doubly apt. This is an area of interest for both Council members and the general membership, and you as Chair of the Informal Working Group on Documentation and Other Procedural Questions in 2013 and 2014, Madam President, have given a new impetus to improving the working methods of the Council.

As we talk about the working methods today, let us keep the core objectives of the Council in mind. The primary purpose of the Council is maintain international peace and security and to take decisions in that regard in an efficient and effective manner. In addition, it is our collective aim to promote openness, transparency and inclusion. The Council's decisions are high-stakes matters for States Members of the United Nations that are not members of the Council.

Having served in the Council recently, we can testify that it is an efficient body, perhaps the most efficient in the United Nations system. But it needs to work more on effectiveness. In that context, Madam President, we welcome the decisions taken under your stewardship of the Informal Working Group on Documentation and Other Procedural Matters in 2013 and 2014 on interaction and dialogue with non-members of the Council, consultations with troop- and police-contributing countries, appointment of more penholders from among the elected members, and early appointment of chairpersons of the subsidiary bodies by a deadline. That is substantial progress and gives an indication of more openness and responsiveness on the part of the permanent five.

We also thank you, Madam President, for having Pakistan's proposal on intra-Council communication adopted, albeit in a watered-down form. Our motive in presenting the proposal was to ensure the flow of more authentic and timely information among Council members by strengthening the presidency, especially when held by an elected member, and facilitating communication from the permanent five to the elected ten. That would engender cohesiveness in the Council's work. The test of the value of those decisions will lie in their faithful and consistent implementation. We look

forward to the Council's assessment of the follow-up and implementation of those decisions.

Wrap-up sessions, revived during Pakistan's presidency of the Council in January 2013, have proved to be useful for both members and non-members of the Council. Those sessions are not a substitute for horizon scanning, but they do help us review and preview the agenda of the Council. Combined with the periodic briefings by the Department of Political Affairs, those sessions should enhance the Council's awareness for preventive diplomacy purposes.

We should continue to find ways to forge more robust partnership between the Council, the troop- and police-contributing countries, the Secretariat and the general membership. Pakistan, as Chair of the Working Group on Peacekeeping Operations, tried to enhance a shared space for discussing difficult issues like robust peacekeeping, new technologies, safety and security, drawdowns and transitions and regionalization. But that was in an informal setting. We believe that the Council should close consult the troop- and police-contributing countries before writing down and approving a peacekeeping mandate and it should involve them throughout the formation of the mission. That would help in addressing the issues relating to force generation, command, control, communication and coordination as well as inter-mission movements. The aim should be to organize iterative discussions with troop contributors so that a mandate is adapted to the realities on the ground.

In that regard, Council members may revisit the Brahimi recommendation on the adoption of resolutions for a specific mandate in two phases. First, a framework resolution should be adopted. Then, after the troop contributors have been identified, a second resolution should be adopted. We support two proposals made by the United States in an intergovernmental negotiations setting on working methods. First, there should be an open meeting of the Security Council Informal Working Group on Documentation and Other Procedural Questions with the participation of the general membership, and secondly, an open informal workshop on working methods. That should enhance the space for dialogue between Council members and the general membership. We call for making the process for the selection and appointment of panels and groups of experts more transparent, balanced and representative.

The Office of the Ombudsperson has worked fairly effectively to advance due process with regard

to the delisting requests under the Al-Qaida sanctions committee. It has worked consistently to ensure that fair and clear procedures are in place to list and delist individuals and entities in the targeted categories of finance, travel, arms and commodities. Further improvements are necessary to remove the existing lacunae in the Office, such as non-inclusion of petitioners other than those on the sanctions list and lack of full independence.

Due process is crucial in targeted sanctions regimes. There should be in principle no objection to their extension or to the extension of the Ombudsperson's jurisdiction to other sanctions committees, but this would best be done after reforming the current office and especially after giving it the requisite jurisdictional autonomy.

Finally, with regard to the follow-up to the referrals by the Council to the International Criminal Court, we encourage Council members to hold internal discussions on the need to designate a focal point or create a subsidiary body or working group and work out modalities in that regard. It is important that such a linkage not infringe on the Council's authority or on the Court's independence.

**The President** (*spoke in Spanish*): I now call on the representative of Kazakhstan.

**Mr. Abdrakhmanov** (Kazakhstan): Madam President, I thank you for having organized this open debate on reform of the Security Council working methods.

In the light of the number of crises that the world is facing, it is imperative that enhancing the Council's working methods be done with urgency and relevance, taking the right approaches. Each of the areas included in the working methods — transparency and access, efficiency and implementation, the rule of law, the use of the veto, peacekeeping operations, accountability and the Council's relationship with the General Assembly, as well as with regional arrangements and agencies — are interlinked or overlap with one another. They are also closely intertwined with the revitalization of the General Assembly. My delegation would like to draw attention to some salient points in key areas of the working methods.

First, we call for an increase in the number of the Council's open meetings. The degree of openness will always be the central focus for non-Council members. We also call not just for openness but also

for transparency and communication with the broader United Nations membership.

Secondly, greater collaboration with troop-contributing countries (TCCs) is needed with regard to decisions pertaining to their troops and to the mandates of the peacekeeping missions in which they are deployed. More regular open debates on peacekeeping operations and improvements in the relationship between TCCs and the Council are the best way to increase coordination and understanding.

Thirdly, there is a great divergence of views regarding the right to veto and its application. My country supports the notion that the veto should not be used in cases of genocide, crimes against humanity or serious crimes against international humanitarian law. But to make it practical, we have to bridge fundamental differences in defining our perceptions of the aforementioned concepts of genocide, crimes against humanity and serious crimes against international humanitarian law. My delegation hopes that this issue can be resolved by the permanent members by taking into account all their approaches on the basis of goodwill and compromise.

Fourthly, incoming non-permanent members must, during the interim period after their election and before they assume membership, be allowed to attend all meetings of the Council and its subsidiary bodies and the informal consultations of the whole, or at least for a period of six weeks immediately preceding their term of membership, and they should be given full support for their new role.

Fifthly, regarding sanctions, there is evidence that they are not always applied rigorously by the Security Council or Member States. This must be done with clear mechanisms for monitoring and evaluation. We ask for consideration of the long-term establishment of the office of the Ombudsperson with an extended mandate and full support for her office. Likewise, we propose that an independent advisory body be created to provide inputs to the work of the sanctions committees.

Sixthly, there is a widespread preference and desire that the annual report of the Security Council to the General Assembly be more analytical, reflecting complexities and intricacies in decision-making, rather than being a long summary of the year, thus adding to the process of transparency.

Finally, the United Nations Charter specifies that the General Assembly and the Security Council are equal

bodies. Therefore, greater dialogue and collaboration between the two will enhance both entities, especially the Council, as it gains new perspectives from the Assembly's membership. At the same time, many of the countries that have little or no power in the Council see the General Assembly as their only avenue for influencing the United Nations.

What is most needed is not just reforms but changed attitudes. The national interests of Member States must be balanced with greater objectivity and global perspectives. We believe that the Council would also benefit through greater dialogue with the United Nations system, regional organizations and specialized security entities, institutions and civil society, which play a key role in maintaining peace and security.

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

**Mrs. Rubiales de Chamorro** (Nicaragua) (*spoke in Spanish*): It is a pleasure to see you, Madam, presiding over this very important meeting of the Security Council on the working methods of this body. We welcome this initiative. We acknowledge and are grateful for your work and that of your team, which has injected dynamism into the work of the Security Council. On this specific topic, we thank you for all your efforts and your initiatives in the Informal Working Group on Documentation and Other Procedural Questions.

Nicaragua associates itself with the statement made by the Permanent Representative of Saint Lucia, Ambassador Rambally, who spoke on behalf of the L.69 group, of which we are a member.

We hope that this discussion will help us achieve a deeper understanding of the central issue that is at the very heart of our discussion, that is, to achieve an in-depth reform of the Security Council, including of its working methods, so that the work of the Council can become more transparent, that there be true accountability and, most importantly, that the Council's credibility can be restored.

In order to discuss the working methods of the Security Council, it is essential to recognize not only on an individual basis but also collectively that the Council needs to be comprehensively reformed. We cannot speak of working methods of the Security Council in a piecemeal way. Everything is part and parcel of a comprehensive reform that we have committed ourselves to carrying out. It is vital urgently to expand the Security Council in both categories of membership

to enhance its representation, give greater legitimacy and credibility to its decisions, and to give effect, inter alia, a substantial improvement in its working methods.

We are aware that significant improvement in the methods of work of the Council is an imperative in order to improve its efficiency and effectiveness and to achieve accountability in line with the needs of the members of the Organization as a whole. Such improvements should not simply remain cosmetic; they must be real. Changes in both procedure and approach are necessary.

First and foremost, we need to reform the composition of the Council. Article 24(1) of the Charter clearly sets out that in discharging its duties under its responsibility, the Security Council acts on behalf of the other Members of the United Nations, that its primary responsibility is the maintenance of international peace and security. What the Security Council does and how it does it to fulfil this task is of great interest to the entire international community, not only to the members of the Council.

In the past few years, there has been a growing recognition of the fact that the current composition of the Council, which has existed since 1945, and its methods of work must be brought into line with contemporary reality.

The Council has demonstrated often that it has little interest, when taking its decisions, in consulting with the countries most affected by such decisions. A more transparent and democratic Council will need to establish a permanent mechanism for broad and inclusive consultations that takes into account the interests of the affected countries and the troop-contributing countries before any decisions are taken. Also, broader consultations with regional organizations and the General Assembly should be held.

Access to documentation and information is a topic of particular concern and the trend of holding closed meetings, for which there is no record, should be reversed. By the same token, often the rest of the Organization's membership — non-Council members — are not allowed to participate in debates. Even when the discussion is on topics of interest to the international community that affect all of us and, above all, topics on which we all have the right to have an opinion.

With regard to concrete ideas on reforming the Security Council, including its working methods,

we note with interest some of the very important recommendations that have been expressed today. We hope to see those recommendations and the recommendations made during the sixty-eighth session of the General Assembly, circulated in the concept paper (S/2014/725, annex) by the President, included in the text of a proposal that should be circulated among us as soon as possible in order to fulfil a mandate given to us by our Heads of State. The mandate is to implement those reforms on the occasion of the seventieth anniversary of the United Nations in 2015, so that this important body of our Organization genuinely is and acts in accordance with the realities of the twenty-first century.

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

**Mr. Ceriani** (Uruguay) (*spoke in Spanish*): We would like to thank you, Madam President, and your team for holding this timely and important debate, as well as for the issuance of the substantive concept paper (S/2014/725, annex). As a member of the Accountability, Coherence and Transparency group, Uruguay aligns itself with the statement made by the Permanent Representative of Switzerland. We are grateful for the reports given this morning by the Ombudsperson of the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, Ms. Kimberly Prost, and the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda.

In accordance with Article 24 of the Charter of the United Nations, Member States of the Organization have conferred on the Security Council the primary responsibility for maintaining international peace and security, recognizing that the Council acts on behalf of all Members in that task. In the following Article of the Charter, the Member States agree to accept and carry out the Council's decisions. In that sense, its decisions will be imposed on the international community both by that Article and Chapter VII. But that prerogative, granted to the members of the Council by each State that adheres to the Charter, brings with it the commitment and responsibility to act on behalf of everyone and in accordance with the purposes and principles of the Charter. At the same time, Article 24 establishes the Council's duty to inform the General Assembly of its actions through the submission of annual reports.

With regard to the report, we would like to mention that it is usually purely factual and does not have relevant information about the analysis of the situations

addressed and the vetoes of draft resolutions that were presented in the Council. The membership has the right to know why certain situations move forward and the Member States who used the veto should explain why.

Although all Member States, by adopting the Charter, have decided to accept that the veto is part of the system, despite our positions of principle on the matter, in order to achieve the transparency, accountability and commitment of permanent members with regard to the international community, those vetoes should not only be well founded, but also explained. International peace and security — one of the three pillars of the Organization — should not be subject to only five member States, particularly in cases of genocide, war crimes and crimes against humanity. That is why we welcome the French proposal to restrict the use of the veto in such cases, and we advocate its quick adoption and implementation, without ever losing sight of our greatest hope, which is the elimination of the veto as an institution.

When it comes to the other elements that are part of the Council's working methods, we want to indicate that there have been ups and downs in their use, with no consistency in the Council's action in that regard. We refer, *inter alia*, to the horizon-scanning briefings, provided by the Secretariat — either by the Department of Political Affairs or another agency — in the exercise of preventive diplomacy, which is extremely useful in order to be better informed of the situations that may endanger international peace and stability. We hope to see that mechanism in place again, considering the value that it has as an early warning and conflict prevention tool. In the same vein, we highlight the adoption this year of resolution 2171 (2014), by which the Council undertakes to use all the tools of the United Nations system to prevent conflicts.

We also wish to emphasize the wrap-up sessions, held at the end of each monthly presidency, in various formats, which provide valuable information about the Council's actions to the rest of the membership, making its work more transparent. Fortunately, 10 out of the 12 countries that held the presidency since last year's debate have made use of that working method. We hope that all countries that assume the presidency of the Council in the future will act accordingly.

Our delegation supports the holding of open debates, such as today's. We note with satisfaction that they happen on a monthly basis and are usually held more than once a month, allowing non-member States

of the Council to participate and offer their viewpoints on issues of interest to the international community. We suggest that the holding of Arria Formula meetings and interactive informal dialogues continue. They both give more openness to the Council and make it possible to hold Council meetings with great informative and interactive value, but according to their participants require a different format.

The sanctions system, created by resolution 1267 (1999) of October 1999 and subsequent resolutions, has been the target of varied criticism. Among the criticism is that there are no guarantees for the people included on the list of individuals, who, due to their connection to Al-Qaida, are prevented from moving freely and their assets are frozen through a nonjudicial process, which casts doubt on the legitimacy of the sanctions imposed by the Council. There have been improvements when it comes to due process. The developments have been positive because there have been substantive improvements from the original system to that of today. Clearly, there must be a strengthening of due process and the study of the possibility of extending the Ombudsperson to all sanctions committees. Our country calls for a transparent, consistent and fair system, in accordance with legal due process.

In conclusion, my delegation wishes to refer to the cases referred by the Security Council to the International Criminal Court. Since considerable time has passed since the first referral, no follow-up mechanism has been established in either case — the situation in Darfur or the situation in Libya — nor have measures been taken in cases of failure to cooperate with the Court concerning the arrest warrants issued by it. It is time for the Council to be consistent with those referrals, and it should act under Chapter VII, so that they are not simply virtual referrals, and thereby making it possible for the International Criminal Court to carry out its work.

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

**Mrs. Hrdá** (Czech Republic): The Czech Republic would like to express its gratitude to the Argentinian presidency of the Security Council for conducting this very important open debate, and to both briefers, not only for today's briefings, but also for their tremendous work. As suggested in the concept paper (S/2014/725, annex), we wish to focus on one of the possible ways of improving Security Council's work, which is the

relationship between that main organ of the United Nations and the International Criminal Court (ICC).

The Czech Republic is strongly committed to the idea of international criminal justice, in particular the ICC. Due to our country's historical experience with the perpetration of serious crimes under international law and serious human rights abuses during the Second World War and the post-war era, we very much appreciate the Court's existence. The ICC's role in the fight against impunity is really irreplaceable, and we stand ready to support it wherever possible. Nevertheless, we believe that the issue of cooperation with the Court goes far beyond its relations with the States parties to the Rome Statute, and that it must be addressed within a much broader spectrum of relevant actors, involving the United Nations and in particular the Security Council. In our view, the Security Council has in that regard a special responsibility to close the impunity gap by making referrals to the ICC.

In that context, we should emphasize that some situations, chiefly internal armed conflicts where the most serious crimes of concern to the international community have been or continue to be committed today, should be referred by the Security Council to the ICC. Applying a double standard can adversely affect the promotion of the rule of law and international justice. However, the Court has so far not received the support it needs from the Council to enable it to fulfil the missions referred to it under resolutions 1593 (2005) and 1970 (2011). We regret the absence of any effective follow-up from the Council on its referrals and hope that members will hear this open debate as a call to act on the matter.

We urge the Security Council to establish a mechanism to follow up on situations it refers to the ICC. Specifically, such a mechanism should benefit from the Council's power to enforce its resolutions and ensure that States cooperate with the Court. Moreover, the Informal Working Group on International Tribunals should be given the job of dealing with issues pertaining to ICC referrals. We would also like to recommend that the cost of future referrals be covered by the United Nations, as has been done for the Ad Hoc Tribunals. It is essential that the Security Council work with a consistency that would then produce a preventive effect as well.

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

**Mr. Kolga** (Estonia): At the outset, I would like to thank you, Madam President, for your initiative in convening this timely open debate on the Security Council's working methods and for the comprehensive concept note (S/2014/725, annex). I would also like to thank Ms. Prost and Ms. Bensouda for their statements today.

The very fact that this discussion is being conducted as an open debate reflects credit on the Argentinian presidency for enhancing transparency and including the wider United Nations membership in the Council's discussion of issues, and I recommend that every presidency follow suit. Estonia, as a member of the Accountability, Coherence and Transparency group, aligns itself with the statement delivered by the representative of Switzerland earlier today.

Estonia firmly believes that enhancing transparency in the actions of the Security Council, as well as in the Council's interaction with non-Council members and bodies, is crucial to building greater trust in the institution that has the primary responsibility for the maintenance of international peace and security. Protecting human life is the greatest responsibility and priority that we, as the international community, have been entrusted with, and the Security Council's execution of that mandate should be clear and understandable to us all. To meet that goal, we urge that the Council should ordinarily meet in public and that detailed records be published even for private meetings. Furthermore, the wider membership's involvement should be a continuous process from the very beginning of the discussion of a decision until its implementation, giving the stakeholders greater input into decision-making.

Concerning one of the sub-topics of the concept note, the Security Council's follow-up to its referrals to the International Criminal Court (ICC), I would like to say that the Council and the ICC are first and foremost linked by their common concern of crimes that threaten the peace, security and well-being of the world. The Court is available to its States parties and to the Council, which has the power to refer cases to the Court that otherwise would not fall under its jurisdiction. Whenever there is evidence that atrocity crimes are being committed with impunity, the Council should refer the situation to the Court. It should, however, do so in a way that fully empowers the Court to fulfil its mandate, as well as supporting the Court



in its investigations and prosecutions so as to ensure accountability.

The Council should take measures to ensure that there can be no room for doubt as to the support that it and the United Nations give the Court in delivering on its mandate. The reports from the Office of the Prosecutor on the basis of resolutions 1593 (2005) and 1970 (2011) should result in the Council's reaffirmation of its responsibility to support the Court and its recognition of the Court's work. Follow-up measures should be implemented with resolve and determination to ensure that the Court's decisions, including the arrest warrants it issues, are executed. It should also be recalled that, given the Court's limited jurisdiction in the absence of ratification, referrals by the Council are necessary.

Several attempts to adopt resolutions on an effective international response aimed at ensuring accountability for perpetrators of atrocity crimes have been blocked by permanent members of the Council. Far too often, history has shown us how the privilege of the veto, or even the mere threat of using it, has been abused, leaving the Security Council paralysed and passive on the sidelines, in situations where it is most needed. Under the Charter of the United Nations, the Council's permanent members are given great power, but also great responsibility to use it in a responsible manner. Today we know that inaction is the biggest challenge to maintaining and restoring peace and that it can ensure that the Council's legitimacy and credibility quickly fade. We therefore gladly welcome the French proposal on establishing a code of conduct for voluntary restraint in the use of the veto, and firmly believe that such a step would help the Security Council live up to its mandate. Horizon-scanning briefings and Arria-formula meetings would also increase the preventive impact of the Council's work.

In conclusion, I would like to reiterate that in our view efforts to achieve transparency should be made more consistent, and more attention should be paid to providing feedback from the Council both to non-Council Member States and the ICC, whether in the form of holding open meetings or by answering letters addressed to the Council. It is only through such feedback that we, the international community, can better assess how best to contribute to the legitimacy and effectiveness of the Council.

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

**Mr. Mendonça e Moura** (Portugal): I would like to thank Argentina for putting the working methods of the Council at the centre of the agenda during its presidency this month, and for your leadership, Madam President, of the Informal Working Group on Documentation and Other Procedural Questions, which since 2013 has produced six important President's notes on working methods. What we are debating today is no longer only about the implementation of the note contained in document S/2010/507 but also the implementation of subsequent notes that complement it and even innovate. That might suggest changing the title of the agenda item to "Security Council working methods", reflecting that the debate is not about the implementation of note 507 alone but now goes well beyond it.

I wish to now briefly address the issues you highlighted, Madam President, in your very comprehensive concept paper (S/2014/725, annex).

First, the work of sanctions committees represents, no doubt, a heavy portion of the Council's activity, but a significant part of it remains invisible. Sanctions committees require efficiency in their working methods, but also transparency. Transparency is key to facilitating an understanding of the sanctions regimes by States, which are the ones committees rely upon for the effective implementation of sanctions. The past decade has brought about new developments in this area. One of them is the establishment of the post of Ombudsperson for the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, which we warmly welcome. Bearing in mind the substantive results of its work, the Office of the Ombudsperson offers today a remedy for those requesting delistings that has proved to be real and effective. It would be useful to replicate that experience in other sanctions committees. For our part, we reiterate our support to extending the mandate of the Ombudsperson to other relevant sanctions committees. Those will lead to strengthening the targeted nature of sanctions and will help States in their domestic implementation, thus improving the overall effectiveness of the sanctions regimes.

Secondly, referrals are a prerogative of the Council and an instrument to counter impunity made available to the Council by the Rome Statute. Once the Council

uses that instrument, it should remain engaged with the International Criminal Court (ICC), in particular in the cooperation aspects necessary for the Court to perform a judicial function. From the perspective of working methods, it makes sense that the Council establish an efficient way to address those aspects of its relationship with the ICC without necessarily having to overburden its already charged plan of work. In that regard, it should be worth considering having issues relating specifically to the follow-up of Council referrals considered by a subsidiary body, which should review them and, whenever needed, recommend Council action. That is a matter that is not only relevant to the ICC. It has to do with a broader issue, which is the implementation of the Council's own decisions.

Before I conclude, I would like to highlight with a few brief remarks, in view of the time available, some of the very important aspects related to the Council's working methods.

First, the annual reports serve two purposes: statistical records and information. A considerable part of the report is not meant to be read, but rather consulted. That is the part containing statistical data for historical record and future reference. The other part, which is basically the introduction, should be informative, and that is where there is still much work to do. We think that it is through more informative monthly assessments, particularly on subjects discussed in consultations, that those parts should be substantially enhanced. Next month, we will have the opportunity to debate this issue when the annual report will be presented in the General Assembly.

Secondly, on penholders, we welcome the note by the President (S/2014/268) on this issue and recent positive examples of co-penholdership in drafting initiatives, which is encouraging. We would welcome, in that vein, more joint initiatives by Council members. We encourage in particular the newly elected members, who we take the opportunity to congratulate again on their election, to use the avenue opened by this note. Through co-penholdership, we believe one can improve the end result in substantive terms, even in the facilitating of the negotiating process within the Council.

Finally, on the election of the chairs of the subsidiary bodies, again, the Council already agreed in December 2012, in its note contained in document S/2012/937 to

“support an informal process with the participation of all Council members as regards appointing the Chairpersons of subsidiary bodies from among Council members in a balanced, transparent, efficient and inclusive way” (S/2012/937, para. 2).

We would encourage members of the Council to use these coming months before the end of the year, in consultation with the recently elected members, to put into practice this agreement, thereby engaging in a more participatory informal process of appointment through the establishment of a facilitation arrangement involving the incoming members, but also the participation and experience of those who remain in and those who will be leaving the Council.

I would say one final word to congratulate the Council for reintroducing and reinvigorating the wrap-up meetings. We think that they represent a bold step in the right direction in promoting the relationship between the Council and the wider membership. They are good news for accountability and transparency, two aspects very dear to the Accountability, Coherence and Transparency Group, of which Portugal is a member.

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

**Mr. Percaya** (Indonesia): Allow me to thank you, Madam President, for convening this important open debate and taking the lead in our common endeavour to improve the working methods of the Security Council. The topic of improving the working methods of the Council is indeed an issue of great interest for both Council members and non-members alike. I would like to take this opportunity to thank you for preparing and circulating the concept paper (S/2014/725, annex) for this meeting, which highlights some of the key topics, issues and challenges to be addressed in our debate.

In undertaking the primary responsibility for the maintenance of international peace and security effectively, it is critical that the Security Council's action and decisions garner the support of the greater United Nations membership. Therefore, enhancing the level of communication and interactivity between the Council and the entire United Nations membership is an essential part of helping the Council achieve its aims. Against that backdrop, and with a view to contributing to the advancement of dialogue between Council and non-Council members, Indonesia would like to share the following views.

First, Indonesia reiterates the importance of the effective implementation of Articles 31 and 32 of the Charter of the United Nations, inter alia by increasing regular consultations with non-Council members, especially with States that have special interests in the matters being considered by the Council. Through those consultations, the Council should give particular attention to the ability of States to implement the Council's decisions.

Secondly, in relation to the use of veto rights, Indonesia welcomes the initiative for the early commencement of dialogue among the permanent members of the Council on a voluntary code of conduct regarding the use of veto, in particular one in which all permanent members are committed to exercising voluntary restraint on the use of the veto in situations of mass atrocities. With clear and agreeable modalities, the code of conduct can help the Security Council arrive at a united voice and live up to its mandate under the Charter, particularly in situations where there are violations of international law, human rights and humanitarian laws relating to acts under the definition of war crimes, genocide, ethnic cleansing or crimes against humanity.

Thirdly, as a major troop-contributing country (TCC), Indonesia welcomes the note of the President of the Security Council contained in S/2013/630, dated 28 October 2013, in which Council members reaffirmed their commitments to enhancing interaction with troop- and police-contributing countries. While Indonesia welcomes the enhanced engagement between the Council and TCCs that ensued following that commendable initiative, we believe that there is still room for improvement. In that regard, to further enhance transparency, understanding and coordination between the Council and TCCs, Indonesia proposes that more consultations with TCCs be conducted, especially before decisions are taken with regard to the establishment, conduct, review or change of mandates and the termination of peacekeeping operations, as well as when urgent situations that may affect mission operations and the safety of personnel arise. We believe that such an improvement will help to expedite the TCC decision-making process of TCCs.

Fourthly, it is incumbent upon the Council to increase and strengthen its collaboration with the various relevant United Nations bodies. Indonesia sees that as a matter of urgency in the light of the multifaceted global challenges that have surfaced in recent years

and demand the immediate and equal attention of the Council. One issue that comes to mind immediately pertains to peacebuilding. As an active member of the Organizational Committee of the Peacebuilding Commission (PBC), Indonesia also sees the merit of enhancing the relationship between the Council and the PBC. The interactions between both bodies should remain mutually proactive at both the ambassadorial and the expert levels. Furthermore, the Council should also continue to make use of the advisory, advocacy and resource mobilization roles of the Peacebuilding Commission and hold regular informal dialogues and consultations to develop trust and confidence between the two bodies.

Lastly, Indonesia reaffirms its support for the efforts to enhance due process within the sanctions regimes. In that regard, Indonesia commends the creation and the work of the Office of the Ombudsperson Committee established pursuant to resolution 1267 (1999) and strongly suggests that a similar mechanism be applied in the other sanctions committees.

In conclusion, I would once again like to commend you, Madam President, for your stewardship in our efforts to improve the working methods of the Security Council. I would like to reiterate Indonesia's commitment to supporting the Council in its work and its efforts to realize greater transparency, inclusivity, democracy, accountability and efficiency as it carries out its responsibilities.

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

**Mr. Dehghani** (Islamic Republic of Iran): Speaking on behalf of the Non-Aligned Movement (NAM), I would first like to express NAM's appreciation of your holding, Madam President, this fifth open debate of the Security Council on its working methods and for having prepared the concept paper (S/2014/725, annex) on that issue. NAM welcomes the note by the President of the Security Council S/2013/515 and the intention to provide more opportunities to the United Nations general membership to express its views on the working methods of the Security Council and to encourage the continued participation of the broader membership in such debates. NAM also notes the endorsement of the notes by the President S/2013/630, S/2014/268, S/2014/393, S/2014/565 and S/2014/739 through the Informal Working Group on Documentation and Other Procedural Questions under Argentina's chairmanship.

For NAM, transparency, openness and consistency are key elements that the Security Council should observe in all its activities, approaches and procedures. The Council has neglected those important elements in numerous instances. They include reluctance in convening open debates on some issues of high significance, unscheduled open debates with selective notification, repeatedly restricting the participation in some debates and discrimination between members and non-members of the Council, in particular with regard to sequencing of and time limits for statements during open debates, a failure to submit special reports to the General Assembly, as required under Article 24 of the Charter of the United Nations, the submission of annual reports that still lack sufficient information and analytical content, and a lack of minimal parameters for the elaboration of the monthly assessment by the Security Council presidency.

NAM calls for the following specific measures to improve the working methods of the Council and to enhance its efficiency in fulfilling its primary responsibility, namely, the maintenance of international peace and security.

First, the rules of procedure of the Security Council, which have remained provisional for more than 60 years, should be formalized in order to improve transparency and accountability. Secondly, NAM has repeatedly asked the Council to comply with the provisions of Article 31 of the Charter, which allows any non-member of the Council to participate in the discussions on any matter that affects it. We also believe that rule 48 of the provisional rules of procedure should be thoroughly observed.

Thirdly, the number of public meetings should be increased, in accordance of Articles 31 and 32 of the Charter. Such meetings should provide real opportunities to take into account the views and contributions of the wider membership of the United Nations, particularly non-members of the Council whose affairs are under the Council's consideration.

Fourthly, closed meetings and informal consultations should be kept to a minimum as an exception, not a rule, as they were meant to be. They should also include briefings by the Special Envoys or Special Representatives of the Secretary-General and by the Secretariat.

Fifthly, the establishment of subsidiary organs by the Security Council should be in accordance with the

letter and the spirit of the Charter of the United Nations. Those organs should function in such a manner as to provide adequate and timely information on their activities to the general United Nations membership.

NAM rejects the use of the Security Council as a forum to pursue national political interests and agendas, thereby aggravating situations rather than alleviating them, contrary to its mandate enshrined in the Charter. We reiterate the necessity for non-selectivity, impartiality and accountability in the work of the Council. The decision of the Security Council to initiate formal or informal discussions on the situation in any State Member of the United Nations or on any issue that does not constitute a threat to international peace and security is contrary to Article 24 of the Charter. In such cases, there is a need for Council to continue to act strictly within the powers and functions accorded to it by Member States under the Charter.

In recent years, the Security Council has been too quick to threaten or to authorize enforcement actions, while being silent and inactive in other cases. Furthermore, the Council has increasingly resorted to Chapter VII as an umbrella for addressing issues that do not necessarily pose an immediate threat to international peace and security.

A careful review of those trends indicates that the Council could have opted for alternative provisions to respond more appropriately to particular cases. Instead of an excessive and rapid use of Chapter VII, efforts should be made to fully utilize the provisions of Chapters VI and VIII for the pacific settlement of disputes. Chapter VII should be invoked, as intended, as a measure of last resort. Unfortunately, the provisions of Articles 41 and 42 have, in some cases, been resorted to too quickly without fully exhausting the other options.

Sanctions imposed by the Security Council remain an issue of serious concern to the non-aligned countries. In accordance with the Charter of the United Nations, the imposition of sanctions should be considered only once all means for the peaceful settlement of disputes under Chapter VI of the Charter have been exhausted and a thorough consideration of the short- and long-term effects of such sanctions undertaken.

Sanctions are a blunt instrument, the use of which raises fundamental ethical questions of whether the suffering inflicted on vulnerable groups in the target country are a legitimate means of exerting pressure. The objectives of sanctions are not to punish or otherwise

exact retribution on the populace. In that regard, the objectives of sanctions regimes should be clearly defined. Their imposition should be for a specific time frame, be based on tenable legal grounds and should be lifted as soon as the objectives are achieved. The conditions demanded of the State or party upon which sanctions are imposed should be clearly defined and subjected to periodic review. Sanctions should be imposed only when a threat to international peace and security exists, or there is an act of aggression, in accordance with the Charter of the United Nations. Sanctions are not applicable preventively in instances of mere violation of international law, norms or standards.

Finally, NAM calls upon the Security Council to further enhance its relationship with the Secretariat and troop-contributing countries (TCCs), including through sustained, regular and timely interaction. Meetings with TCCs should be held not only in the drawing up of mandates, but also in their implementation, when considering a change in, renewal of, or completion of, a mission mandate, or when there is a rapid deterioration of the situation on the ground. In that context, the Working Group on Peacekeeping Operations should involve TCCs more frequently and intensively in its deliberations, especially in the very stages of mission planning.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Malaysia, whom I congratulate on his country's election as a member of this Security Council.

**Mr. Haniff** (Malaysia): I thank you, Madam President, for that congratulatory message. I wish to echo earlier speakers in thanking you for convening today's open debate on the Council's working methods. I also express my delegation's appreciation to you and your delegation for so ably chairing the Council's Informal Working Group on Documentation and Other Procedural Questions.

My delegation associates itself with the statement just made by the representative of Iran on behalf of the Movement of Non-Aligned Movement Countries.

As an incoming member of the Council, Malaysia is of the view that today's open debate affords a timely opportunity for the members of the Council and the wider United Nations membership to take stock of, and further discuss, measures aimed at improving the Council's working methods. We are encouraged to note that, under Argentina's current presidency, the

Council will convene three open debates. We view this practice as commendable, as it provides the broader United Nations membership with more opportunities to participate in the work of the Council.

Malaysia is also encouraged to note that the calls for better transparency, coherence and accountability on the part of the Council by the wider membership has, to a certain extent, been implemented or taken on board by the Council. Among other things, those improvements have been reflected in the various notes issued by the Council's presidency over the course of the past year. In addition, Malaysia welcomes the development of potential mechanisms to serve as early-warning systems for the Council, including through increased use of Arria Formula meetings as well as more regular briefings, by the relevant United Nations Special Advisers, Rapporteurs and other senior officials. That said, there remains room for further improvement in other areas of the Council's working methods.

At this juncture, my delegation wishes to underscore that effecting possible improvements in the Council's working methods should not take place in a vacuum. In that regard, Malaysia recalls that several initiatives are already under way, or about to commence, such as the upcoming review of the Peacebuilding Commission, the review of peacekeeping operations and the review of special political missions. The outcomes of those and other relevant intergovernmental initiatives should be factored into the Council's deliberations on improving its working methods. In that connection, the ongoing initiative by the Governments of Australia, Finland, Germany, Greece and Sweden on the high-level review of United Nations sanctions is also worth noting.

In addition, there should be more coordination between the Security Council and troop-contributing countries (TCCs) towards strengthening the effectiveness of peacekeeping operations. The Council's meetings with TCCs should be sustained, regular and timely, in particular with regard to the resolutions and mandates of operations. In that context, the Council's Working Group on Peacekeeping Operations should involve TCCs more frequently and intensively in its deliberations, especially at the early stages of mission planning.

On the Council's application of sanctions as authorized under the Charter of the United Nations, Malaysia recognizes the shift from comprehensive

economic sanctions to targeted sanctions. However, despite such a shift, there should not be a generalized assumption that targeted sanctions have no effect whatsoever on the broader population of the country concerned, and in certain cases on neighbouring countries and populations. The Council must be open to reviewing the negative or unintended consequences of sanctions and respond as appropriate.

With a view to further contributing to today's debate, Malaysia wishes to make the following brief comments.

First, with regard to transparency, Malaysia supports the continuation of the existing practice on wrap-up sessions and interactive briefings at the end of Council's presidencies.

Secondly, Malaysia also supports a fairer and more inclusive allocation of penholderships, as well as a more transparent process when electing Chairs of the Council's subsidiary bodies.

Thirdly, Malaysia welcomes the proposal by the French delegation. In that connection, we reaffirm that permanent members of the Council should refrain from resorting to the veto in situations involving genocide, crimes against humanity, war crimes and crimes of aggression.

Fourthly, on a related note, the intersection in terms of the roles of the Security Council and the International Criminal Court (ICC) also raises certain questions about the need to further clarify the relationship between the two bodies, particularly in the context of the designation of individuals for sanctions by the Council and/or prosecution by the ICC.

Fifthly, Malaysia reaffirms its support for the mandate of the Ombudsperson of the Council's Committee established pursuant to resolution 1267 (1999), which was recently renewed. In that regard, Malaysia is of the view that the Council should fully consider the recommendations of the Ombudsperson as contained in her reports to the Council.

Sixthly, while giving due consideration to both security and human rights concerns, Malaysia also believes that there is merit in exploring the possibility of extending the Ombudsperson's role or mandate to include all of the Council's Sanctions Committees.

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

**Mr. Pedersen** (Norway): As my contribution to enhancing the working methods of the Security Council, I will not read out my full statement, but it will be circulated.

Norway aligns itself with the statements delivered by the representative of Sweden on behalf of the Nordic countries and by the representative of Switzerland on behalf of the Accountability, Coherence and Transparency (ACT) group. I have the honour to speak on behalf of the informal group of like-minded States on targeted sanctions, which comprises Austria, Belgium, Costa Rica, Denmark, Finland, Germany, Liechtenstein, the Netherlands, Norway, Sweden and Switzerland.

In order to further strengthen the effectiveness and due process guarantees of the United Nations sanctions regimes, the group of like-minded States on targeted sanctions re-invites the Security Council and Member States to consider the following proposals and ideas, which were submitted in writing on 17 April 2014.

First, the Office of the Ombudsperson should be made permanent. That will give more weight and credibility to the work of the Ombudsperson.

Secondly, information-sharing between Member States and the Ombudsperson, as well as among the Sanctions Committee and Member States, national and regional courts and other authorities, should be improved.

Thirdly, transparency should be enhanced. All decisions, regardless of whether they maintain or discontinue a listing of an individual or entity, should be accompanied by adequate and substantial reasons. Moreover, those reasons, as well as a redacted version of the comprehensive report of the Ombudsperson, should be published, allowing for legitimate privacy, security and confidentiality interests to be adequately protected. We welcome the steps taken in resolution 2161 (2014) as far as the provision of reasons for delisting and retention as well as the transparency of the process are concerned and encourage the Council to consider further steps in that regard.

Fourthly, the Committee must continue to conduct the triennial review in a timely and thorough manner and regularly inform Member States about the results of all reviews provided for under resolution 2161 (2014). In the course of the review, a reasoned decision for a continued designation should be provided, if the

individual or entity is to be kept on the list. If a listing is not reviewed and confirmed within the three-year period, it should automatically be deleted.

Besides those four proposals for the immediate future, the group of like-minded States would also like to submit a few ideas for the longer term aimed at ensuring that targeted-sanctions regimes satisfy basic due-process guarantees and are in conformity with internationally recognized human rights standards.

First, we recommend that the Ombudsperson be given the authority to decide, after having examined a request for a delisting, whether to maintain or discontinue the listing. At the same time, Member States and the relevant international organizations and bodies should encourage individuals or entities that seek removal from the Al-Qaida sanctions list to challenge their listing by first petitioning the Office of the Ombudsperson before the case is brought up at the national or regional level.

Secondly, we propose to start reflecting on how to improve due-process guarantees in other targeted-sanctions regimes. We once again submit the idea that the Ombudsperson's process should be gradually extended, on a case by case basis, to other appropriate sanctions regimes. In so doing, the need for possible adaptations in the Ombudsperson's mandate should be explored. We are of course fully aware that each sanctions regime with its underlying political situation is indeed unique and that some sanctions regimes are more suitable for such an extension than others.

Moreover, the listed individual or entity should be adequately informed about the listing, and a narrative summary of reasons should be communicated. Lastly, no decision to maintain or discontinue a listing should remain pending before the respective Sanctions Committee for longer than six months.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Spain, a newly elected member of the Security Council for the next biennium.

**Mr. Oyarzun Marchesi** (Spain) (*spoke in Spanish*): Thank you, Madam President, for your congratulations. At the outset, I should like to congratulate you on three accounts — first, on the way you and Argentina are conducting the presidency of the Security Council for this month; secondly, for organizing this debate; and, lastly, for the very useful concept paper (S/2014/725, annex) that you have provided us with. I also want to thank Ms. Fatou Bensouda, Prosecutor of the International

Criminal Court (ICC), and the Ombudsperson, Ms. Kimberly Prost, for their briefings.

I will make a brief summary of the statement that I have circulated in writing. As mentioned, Spain was recently elected to occupy a non-permanent seat on the Security Council. During our campaign, we presented a series of documents that reflected what Spain would be ready to do if it became a member of the Council. That included a document entitled “Responsibility and Transparency”.

What is our understanding of responsibility? It is very simple. We understand responsibility to be the exercise by the Security Council of its functions in a manner that adequately represents the membership of the General Assembly. We understand that approach in the sense of enhancing the effectiveness of the Council. That is why, when we become a non-permanent member of the Council, beginning in the month of January, we will get to work to try to improve the working methods of the Council, as we are discussing today.

With regard to transparency, our understanding is twofold. First, we need to be capable of adequately taking into account the concerns and sensibilities of the Members of the Organization, and, secondly, we need to keep them abreast of current issues being debated by the Council. In other words, we have to avoid the Council becoming a hermetic body, which was the case several years ago. However, not all the news is negative. Quite to the contrary, I think the Council has significantly improved its working methods in the past decade, particularly in the past year.

I would like to especially note three specific advances. The first is the wrap-up debate conducted in the Council at the end of each month's presidency. The second, which is even more important, is the interactive debate that occurs at the end of each presidency, and the third would be the three presidential notes that were adopted in this past year.

Madam President, you have asked us to focus on some very specific aspects of the working methods. The first deals with due process with regard to sanctions, and the second with follow-up to referrals from the Security Council to the International Criminal Court. With regard to the procedural guarantees for the sanctions regimes, I have to say that it is very important to re-read and re-examine the very interesting recommendations that the Office of the Ombudsperson has drawn up. I also agree with many of the speakers who have said

that it would be important to expand the mandate of the Ombudsperson, first on a case-by-case basis and then perhaps on a more general basis. Generally speaking, I endorse the very profound and interesting statement made by the representative of Norway. The second point on which we were asked to comment is the follow-up to referrals by the Security Council of cases to the International Criminal Court. In that regard, I would like to say that it would be interesting to set up a mechanism to ensure interaction with the Court in line with the commitment that the Council adopted in February 2013.

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

**Mr. Thornberry** (Peru) (*spoke in Spanish*): I wish to commend your initiative, Madam President, to convene an open debate on the working methods of the Security Council, and I wish also to express our gratitude for the very comprehensive concept paper (S/2014/725, annex) prepared to orient our exchange of ideas today. We also wish to thank the Ombudsperson of the Security Council Committee established pursuant to resolution 1267 (1999), Ms. Kimberly Prost, and the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda, for their statements. My delegation also expresses its support for the statement made by the representative of Switzerland on behalf of the Accountability, Coherence and Transparency group.

At the outset, Peru would like to highlight the active work of the delegation of Argentina as Chair of the Informal Working Group on Documentation and Other Procedural Questions for almost two years, during which period six presidential notes were adopted. Those six instruments are an attempt to continue making progress in building a more democratic and transparent Security Council, making it possible for non-member States to have access to more information, which is an indispensable requirement for accountability. It should be recalled that the mandate of the Security Council, namely, to monitor international peace and security, was given to it by all States Members of the United Nations, and we have also committed ourselves to comply with Council resolutions.

This meeting provides us the necessary opportunity to express our interest in staying informed about the Council's deliberations. That is why we believe in the importance of that issue on behalf of the entire membership of the Organization. My delegation therefore reiterates the urgent need to make progress in

reforming the Council's working methods with a view to enhancing its legitimacy, the requisite transparency in terms of multilateral relations and the effectiveness and efficiency of its work. In that vein, my delegation joins in supporting some of the initiatives already mentioned by certain previous speakers, which shows the range of agreement on those ideas.

First, in seeking transparency Peru believes it is necessary for the Council to further convene more open meetings. Such meetings should be of a substantive nature and take place in a timely fashion. My delegation also encourages the scheduling of open debates such as today's, as they make it possible for States non-members of the Council to express their opinions. We also believe it is important that documents to be adopted at open debates result from the ideas stated during the debate, and not be prepared beforehand. My country also believes it is important to continue the positive practice of conducting wrap-up sessions at the end of each working month. We are grateful to the countries that have opted to hold such meetings in the course of their presidencies. We note the enormous participation by non-members at those meetings, which demonstrates their interest in having more information.

Secondly, with regard to the much-needed democratization of the Security Council, Peru has steadfastly supported a position of principle whose ultimate purpose is the elimination of the right of the veto. We are aware of the difficulties entailed in doing that, which is why my delegation supports, as a first step, the adoption of a code of conduct whereby the veto would not be used in cases of genocide, crimes against humanity or persistent flagrant violations of human rights or international humanitarian law. In that context Peru, commends the proposal made by France and calls on other permanent members to work on that basis. We reiterate that without genuine reform of the Council's working methods in terms of the use of the veto, the Council's effectiveness will be at risk and highly important principles such as those related to international humanitarian law and the responsibility to protect will remain unprotected.

Thirdly, in order to foster greater interaction and participation in meetings of the Council, Peru believes it is essential to consolidate the practice of the Council's consultations with troop-contributing countries involved in peacekeeping operations. It is true that the increasingly complex and often multidimensional mandates of peacekeeping operations



call for close coordination between the Council and troop-contributing countries, with a view to ensuring that the expectations and opinions of those countries in terms of the design, implementation and renewal of mandates be duly heard, since it is their uniformed troops who will bear the responsibility for effectively implementing in the field the mandates adopted by the Council.

Lastly, I wish to mention that although the implementation of such measures would substantively improve the work of the Council, we believe that it is also necessary to reform the Council's work culture, moving from the current reactive stance to one that favours prevention. My delegation believes it is necessary that the Council adopt a comprehensive, holistic focus on security and peacekeeping matters that is not limited to conflict situations. The Council should develop preventive diplomacy strategies and early-warning systems in order to avoid conflict and reduce the risk of such conflict spreading or reigniting. That is the only way to ensure full compliance with the main goal for which the Organization was created, namely "to save succeeding generations from the scourge of war".

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

**Mr. Laassel** (Morocco) (*spoke in French*): I make this statement on behalf of Ambassador Hilale, who would have liked to be present but was called upon to attend to other functions of his office.

I thank the Argentine presidency for organizing this open debate on the working methods of the Security Council and for providing a helpful and thoughtful concept paper (S/2014/725, annex) to guide our discussions. We welcome the fact that this debate has become institutionalized and is now part of the annual practice of the Security Council, which allows States non-members of the Council to express their views on likely ways of improving the Council's working methods. I also take this opportunity to thank Prosecutor Fatou Bensouda for her briefing this morning.

My delegation takes the opportunity to commend you, Madam, for your able chairmanship of the Informal Working Group on Documentation and Other Procedural Questions, which culminated in the adoption of six important presidential notes.

The Charter of the United Nations endows the Security Council with the primary responsibility in

the maintenance of international peace and security. The Council can fulfil its role only on the basis of an efficient and transparent approach. In that context, Morocco welcomes the many positive developments in recent years to improve the functioning of the Security Council.

In that regard it is important to note the greater number of open debates, the dynamic return to the practice of wrap-up sessions and monthly informal briefings and the more frequent use of videoconferencing. Those new practices contribute to enhancing the transparency of the Council's work and its quality as well, and enable it to take advantage of the diversity of positions and views of States Members of the United Nations.

The presidential note of 2010 (S/2010/507), which summarizes experiences and provides specific recommendations to improve the working methods of the Council, is a major achievement in the quest for transparency and in strengthening the legitimacy and effectiveness of the Council — but it can always be improved. As was the case in the past, that presidential note can be improved according to new measures agreed upon to develop and enhance the Council's work. In that regard, the Kingdom of Morocco is always willing to contribute to that important project, as it had the opportunity to do during the two years of its term of office when it participated in the adoption of a set of measures, spread over several presidential notes, to ensure the full implementation of note 507.

The task of improving the working methods still calls for follow-up in many areas. Given the time limitations, I shall mention only the most important ones.

First, the importance of close cooperation with police- and troop-contributing countries is no longer in doubt. Given the multidimensional, complex mandates they are expected to implement and the growing number of challenges they must respond to on the ground with limited resources, troop- and police-contributing countries must be regularly and promptly consulted when necessary, to discuss urgent matters as dictated by the evolving situation in the area of operations, in order to ensure strengthened decision-making on the part of the Council and the appropriate conduct of its functions.

Secondly, we emphasize the importance and usefulness of the open debates, which encourage greater

interaction between the Security Council and Member States. Nevertheless, in order for the Council to take full advantage of those deliberations, it is essential that the discussions be focused on precise themes with a specific scope.

Thirdly, we appreciate the increased cooperation with the Peacebuilding Commission, particularly the contributions made by chairpersons of the country configurations to the Council's debates and consultations. We urge the Council to intensify its use of that practice.

Fourthly, access to Council documents and their availability can assist in achieving the goal of transparency. We welcome the efforts made by the secretariat of the Council for that information to be regularly updated on the website of the Council, in particular in relation to the monthly programme of work.

We believe that beyond technical or practical considerations, improving the working methods of the Council will clearly lead to strengthened capacities in the maintenance of international peace and security and to effectively responding to its increasing workload as well as the multiple complex issues on its agenda. That is why we hope that today's debate will give rise to specific proposals in this area.

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

**Mr. Sareer** (Maldives): Madam President, my delegation wishes to thank you for convening today's open debate on the working methods of the Security Council. The Maldives aligns itself with the statement delivered by the representative of Switzerland, who spoke on behalf of the Accountability, Coherence and Transparency (ACT) group, a cross-regional group of 23 States, of which Switzerland is Coordinator.

The Security Council represents and acts on behalf of all States Members of the United Nations, pursuant to article 24 of the Charter of the United Nations. In keeping with that mandate, there is an obligation among every member of the Council to ensure that every decision is transparent and in the best interests of the global community. The Maldives welcomes these inclusive annual debates on the working methods of this august body as integral to productively engaging with the entire membership of the United Nations. We especially welcome the issuance of presidential note (S/2014/268) ,on a Security Council member

or members acting as penholders for the drafting of resolutions, presidential statements or press statements. It is particularly pleasing to note that penholder members are encouraged to exchange information and consult with all members of the Council and relevant stakeholder Member States from the general membership of the United Nations.

In this modern day and age, the importance of engaging with all States Members of the United Nations cannot be overstated. The Maldives echoes the call for the Council to take note of recommendations made today by the wider membership and calls for it to provide a summary of recommendations based thereon, with the intention of guiding the work of the Informal Working Group on Documentation and Other Procedural Questions.

The need for democratization and the maintenance of the rule of law at the international level is widely accepted and of paramount importance to the functioning of the core organs of the United Nations. In that spirit, the Maldives continues to advocate for the willing waiver of the right to exercise the veto in cases of mass atrocity crimes. The Maldives commends the proposal made by France to that effect. We encourage all permanent members of the Council to engage with ACT on exploring this issue further. The time is now for finalization of a code of conduct on refraining from the use of the veto in situations of mass atrocities.

As we approach 2016 and the appointment of a new secretary-General, the time has also come for greater transparency and inclusion. The role of the Secretary-General has evolved immensely since the foundation of the Organization, and, as the premier representative of the global community, his or her selection is rightfully subject to the input of the global community. The general membership of the United Nations deserves to understand the vision and personality of the future Secretary-General before he or she is selected. Similarly, the selection process should reflect the concerns of the wider membership in order to enhance the legitimacy of the Secretary-General as a true representative of the global community. The Maldives stands behind ACT's initiative to create a constructive dialogue with both the Security Council and the General Assembly and encourages all Member States to support this initiative.

It is only together, with both permanent and non-permanent members of the Council working in tandem, that higher standards of accountability, coherence and transparency can be reached in the

functioning of this core organ of the United Nations. It is our enduring hope that we continue to strive for better practices with outcomes that support global peace and prosperity.

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

**Ms. Hodžić** (Bosnia and Herzegovina): At the outset, I wish to thank you, Madam President, for organizing this important debate on the working methods of the Security Council. I would also like to congratulate you, Madam President, for Argentina's very active and successful two-year chairmanship of the Informal Working Group on Documentation and Other Procedural Questions. I would also like to thank the Ombudsperson, Ms. Kimberly Prost, and Ms. Fatou Bensouda, the Prosecutor of the International Criminal Court, for their respective comprehensive briefings.

With regard to increasing transparency and interaction with non-Council members and bodies, Bosnia and Herzegovina, as former Chair of the Informal Working Group, has raised the issue of increasing transparency in the Council's work and has suggested to Informal Working Group members that they consider the idea of holding regular briefings on Security Council working methods for States that are not members of the Council. Keeping in mind the complexity of promoting such an initiative, I wish to congratulate Argentina on its able stewardship of the Informal Working Group, which resulted in the note by the President contained in document S/2013/515. We call upon Council members to fulfil their commitments set forth in that note, as it supports maintaining regular communication with the Peacebuilding Commission and the Chairs of the country-specific configurations, enhancing cooperation with regional and subregional organizations, and encouraging the subsidiary bodies to improve the transparency of their activities.

With respect to non-members' contribution to the Council's work, Bosnia and Herzegovina's experience in the 1990s, when the first Arria Formula meeting was organized, indicates that civil society and non-State actors can contribute significantly to the understanding of certain situations. We therefore invite Council members to intensify informal forms of dialogue with non-members, particularly in the form of Arria Formula meetings.

On implementing the peacekeeping mandates with more efficiency, Bosnia and Herzegovina, as a police

contributor, encourages frequent regular briefings and consultations and more interactive dialogue by the Council with troop- and police-contributing countries, as outlined in the note by the President contained in document S/2013/630. For 14 years, Bosnia and Herzegovina has engaged in peacekeeping operations. Until now, we have had 212 police officers, including female officers, participating in United Nations operations. Currently, 47 police officers from Bosnia and Herzegovina, 21 per cent of whom are female, have been deployed in United Nations peacekeeping missions in Liberia, South Sudan and Cyprus.

One month ago, during the high-level week, Ministers gathered to support the French initiative on the voluntary commitment of the Permanent Five to refrain from using the veto in situations of genocide and mass atrocities. Bosnia and Herzegovina wholeheartedly supports this initiative. At that event, the Foreign Minister of Bosnia and Herzegovina, Mr. Zlatko Lagumdžija, said:

“Speaking from the lessons learned in my country — from Tomasic to Srebrenica — the international community needs to introduce a code of conduct in working methods of the Security Council that, through the refraining from the use of the veto in cases of mass atrocities, will strengthen the international community's capacity, responsibility and commitment to protecting civilians.”

In that regard, we also support the work of the United Nations Special Adviser on the Prevention of Genocide.

In accordance with the Charter, the Security Council is responsible for the maintenance of international peace and security. It is therefore crucial that the Council ensures that a peace will be durable, which, in cases of suspected genocide, war crimes and other forms of mass atrocities, can only be attained through the rule of law and achieving justice. One of the ways that justice can be achieved is by referring certain cases to the International Criminal Court (ICC). Bosnia and Herzegovina joins the countries that have requested a more efficient follow-up to the Council's referrals to the ICC. Establishing accountability and achieving justice are preconditions for success in peacebuilding and reconciliation processes, as well as for durable and stable peace and security in conflict and post-conflict situations.

Bosnia and Herzegovina has always advocated for more efficient, transparent and interactive working methods in the Security Council, and we remain committed to continue our engagement together with the members and non-members of the Security Council alike in initiatives and dialogue with a view to further improving the Council's practices.

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

**Mr. Mawe** (Ireland): Ireland commends Argentina for organizing today's debate and for its effective chairing of the Informal Working Group on Documentation and Other Procedural Questions. The Group has been particularly active this past year, with the adoption of five presidential notes. I also wish to thank both the ICC prosecutor and the Al-Qaida sanctions Committee Ombudsperson for her briefing today.

Ireland aligns itself with the comprehensive statement delivered by the representative of Switzerland on behalf of the 23 members of the Accountability, Coherence and Transparency (ACT) Group.

Today we wish to highlight three key aspects of working methods which we believe are of particular importance to the effectiveness of the Security Council: sharpening the Council's preventive role; the use of the veto; and strengthening engagement with countries contributing troops and police to peacekeeping operations.

For us, it is clear that the Council needs to enhance its preventive capacities and needs to be alerted as early as possible to potential crises, so that appropriate action can be taken. Current experience reveals a Council that frequently finds itself responding to crises in an incremental manner, escalating the tools at its disposal as situations deteriorate. Better outcomes can be achieved where the Council's tools are utilized much earlier.

There have been a number of practical initiatives aimed at strengthening the Council's preventive role, including the establishment of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, the introduction of horizon-scanning briefings and, more recently, the increased use of informal discussions with the Department of Political Affairs, as well as the use of "any other business" to raise emerging issues of concern.

Ireland welcomes these initiatives as well as the adoption of resolution 2171 (2014), on 21 August, which strengthens existing *acquis* on the Council's preventive role.

But more needs to be done to develop a genuine culture of prevention. Innovative formats such as Arria Formula meetings can trigger fresh thinking on the dynamics of a conflict and inform the necessary response. We saw this recently in the case of the Central African Republic, and we welcome the growing transparency and interactivity by the Council in holding these meetings.

We also welcome the suggestion by the former High Commissioner for Human Rights, Navi Pillay, at the August open debate on conflict prevention (see S/PV.7019) that her successor would regularly and routinely provide an informal briefing to Council members on situations of concern in order to strengthen early warning.

Ireland believes that the unfettered use of veto rights by permanent Council members inhibits the effectiveness of the Council and needs to be reconsidered. The veto is not and cannot be viewed as a privilege, but, rather, it brings particular duties and a special responsibility to resolve conflict.

Ireland welcomes the initiative by France for a voluntary code of conduct on the use of the veto in mass atrocity situations. Ireland encourages permanent members to agree to a statement of principles on a voluntary code of conduct by the seventieth anniversary of the United Nations, next year.

Finally, as a significant peacekeeping troop contributor, we are strongly of the view that a dynamic, interactive and meaningful partnership between Council members, the Secretariat and troop- and police-contributing countries is of benefit to all. Presidential note 630, adopted this time last year, joined a substantial existing *acquis* on peacekeeping working methods, which go a significant way towards enhancing the quality of the interaction and consultation with troop and police contributors.

The main challenge now is implementation, and we commend efforts which seek to strengthen this triangular relationship.

All States Members of the United Nations have a legitimate stake in how the Security Council is run; the Council was established, after all, to ensure prompt

and effective action on behalf of the full membership. I think that the fact that the Council has been discussing this topic since 10 o'clock this morning shows that this is an issue that matters to the entire membership.

In that regard, on conflict prevention, and across a broad range of topics, Ireland, together with the ACT Group, will continue to work for constructive and cooperative engagement with Council members. We all have an interest in taking practical steps to improve the way in which the Council does its business and in order to enhance its effectiveness.

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

**Mr. Mukerji** (India): Today is the auspicious festival of Diwali in my country, and I greet you, Madam President, on this occasion.

Let me begin by thanking you, Madam, for organizing this open debate on the working methods of the Security Council. I thank your delegation for circulating the concept note (S/2014/725) for this debate. I put on record our deep appreciation of your stewardship of the Informal Working Group on Documentation and Procedural Questions during the period 2013/2014. The working methods of the Council are of paramount importance and interest to all States Members of the United Nations, given the fact that under Article 25 of the United Nations Charter, all Member States "agree to accept and carry out the decisions of the Security Council".

The concept note advises Member States that the issue of Security Council reform, which is being debated by us in the General Assembly, does not constitute the subject of this debate. We beg to differ with this advice. Any debate on its working methods must have the issue of Security Council reform as its overarching framework. The three paragraphs on the Security Council in the 2005 Outcome document of the sixtieth anniversary of the Summit (General Assembly resolution 60/1) are clear on the subject. The accountability of the Council to the wider membership of the United Nations, as well as the need for transparency in its functioning, require us to address the shortfalls in the Council's working methods in the context of the urgent need for early reforms of the Council. My delegation therefore aligns itself with the statement delivered earlier today by the Permanent Representative of Saint Lucia on behalf of the L.69 group.

In the interest of brevity, I would like to speak today on two issues related to the topic of our debate. These are, first, the shortfalls in the methods which the Council is using in drawing up the mandates of United Nations peacekeeping operations, and, secondly, the impact of the Council's particular use of its working methods, which we feel dilute the international effort against terrorism, which is fast emerging as the single most important challenge to the maintenance of international peace and security.

On the first issue of peacekeeping mandates, Madam President, you have yourself been witness to the complete disregard in the working methods of the Council for the clear provisions and obligations set out in Article 44 of the United Nations Charter. Whereas the Article calls for troop-contributing countries not represented in the Council to be invited "before" such mandates are drawn up "to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces", India, for example, has not been so consulted. This is despite the fact that India is the single largest contributor of troops to United Nations peacekeeping operations, having contributed more than 170,000 troops in 43 of the 69 peacekeeping operations mandated so far by the Council.

What is the impact of this shortfall in the working methods of the Council? It is clear that a major casualty has been the absence of the contribution that troop-contributing countries could give the Council during Article 44 consultations on issues such as deployment, the required profiles of troops and equipment, as well as the nuances of strategy. In the process, the perceptions available within the United Nations membership on how to actually use peacekeeping to bring about peace have been sacrificed in favour of enforcing the will of a small, privileged minority within the Council to look at peacekeepers as instruments to wage war. This has resulted in an increasing demand for more and more resources, military and financial, and experiments with new technology. This demand is at the expense of a politically brokered peaceful settlement of disputes, which, in our view, is also the most effective and sustainable way to protect the civilians caught up in conflicts where peacekeeping operations are mandated, not to mention the steadily rising toll on the lives of United Nations peacekeepers themselves.

On the second issue of the impact of the working methods on countering terrorism, we strongly believe

that the Council must seriously and transparently take the measures available to it under the Charter to require Member States to implement its resolutions on countering terrorism without exception. To condone the use of terrorism on account of perceived political purposes is counterproductive and will engulf more and more Member States in an ever-widening spiral of violence and destruction.

We therefore specifically call for the Council's working methods to include a mandatory time-bound reporting requirement to the wider membership of the United Nations on the implementation of Council resolutions on countering terrorism. Let us make a beginning on this proposal by having a report to the wider membership of the United Nations with respect to the latest such resolution adopted by the Council, resolution 2178 (2014), of 24 September. We would be interested especially in the Council's assessment of the implementation of operative paragraphs 11 and 12 of that resolution, which deal with international cooperation. My delegation would like to participate in any open and transparent exercise that the Council may organize under its working methods on this subject, given the fact that my country has been one of the longest-suffering victims of terrorism.

We have noted the use of the working methods of the Council to regulate the mechanism of the Ombudsman, created by the Council in 2009. We note that though the General Assembly has the responsibility for electing the non-permanent members of the Council, the appointment of the Ombudsman is outside the purview of the General Assembly. As the Ombudsman deals with substantive aspects of international law, including the implementation of Security Council resolutions pertaining to countering terrorism, we have concerns regarding the operation of this mechanism within the opaque working methods of the Council. Matters are exacerbated when we look at the highly unsatisfactory nature of the annual report of the Council to the General Assembly, in which there is no transparency or detail regarding the way in which the Council actually works.

The Council's provision that "where the Ombudsperson recommends that the Committee consider delisting, the individual or entity will be delisted unless, within 60 days, the Committee decides by consensus to maintain the listing" appears to us to be contradictory to the uniform application of the rule of law, which would impact adversely on the use of legal, as opposed to political, means to counter terrorism.

To conclude, we would reiterate that our interest in participating in this debate stems from the primary role given by the United Nations Charter to the Council for upholding international peace and security. Our concern is that the current working methods, which have been provisionally applied since the Council was established, have deviated from the clear provisions, and indeed, objectives of the Charter of the United Nations, making the Council ineffective and unrepresentative of the world as it is on 23 October 2014. Can we at least expect the Council to adopt clearly defined working procedures, taking into account our views expressed in this debate, by the time our Organization celebrates its seventieth anniversary in September 2015?

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

**Mr. Aboulatta** (Egypt): Egypt associates itself with the statement delivered by the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

At the outset, I would like to thank you, Madam President, for convening this debate, and for providing a thought-stimulating concept paper (S/2014/725, annex). This meeting bears testimony to the need to intensify our collective efforts to ensure that the Council truly acts on behalf of the entire membership in discharging its mandate in accordance with Article 24 of the Charter. Enhancing the transparency, inclusivity, openness and democratization of the Security Council's work is indispensable for the credibility of the Council in carrying out its mandate, and ensures its effectiveness and ability to address the rising challenges.

We commend the efforts to hold more open meetings, interactive dialogues, Arria Formula meetings, monthly wrap-up sessions. Nevertheless, in our view, there is still a need for further improvements in the Council's working methods, particularly in the following areas. First, it is fundamental to reaffirm that the work of the Council is a collective responsibility. Equal participation and contribution from all Council members, permanent and elected, in the conduct of activities and the formulation of outcomes is a principle to be safeguarded. It can be enhanced through a more substantive and genuine intra-Council dialogue, exchange of information and communication.

Secondly, the Council should benefit from a more participatory distribution of responsibilities among its Member States, with the objective of a further democratization of its decision-making process. All

members of the Council should be enabled to take the lead as penholders, while ensuring a timely exchange of information and early engagement in consultations.

Thirdly, as a considerable amount of the Council's work takes place in its subsidiary bodies, the need for greater transparency and inclusiveness in their work is self-evident. Full engagement with the wider membership, and as appropriate other institutions and organs, are requisite steps towards that goal. We also believe more efforts can be done to ensure the representativity of subsidiary bodies, the early appointment of new chairpersons and the setting of modalities for the handover of chairmanship would be very beneficial.

Fourthly, we recall with appreciation the note by the President (S/2013/630) regarding consultations with the troop- and police-contributing countries (TCCs). As a major TCC, Egypt strongly calls for enhancing engagement decision-making phases of relevant Council action, including any pertinent change to the mandate or operation of the mission.

Egypt has pronounced itself earlier with regard to the important initiatives to regulate the use of the veto in situations of mass atrocities, where we expressed our readiness to address any new constructive approach to reform the Security Council within the intergovernmental negotiations, as an integral part of a comprehensive package, in accordance with General Assembly decision 62/557.

Both of the issues flagged in the concept paper of our open debate today — due process in sanctions regimes and the follow-up to Security Council referrals to the International Criminal Court (ICC) — are timely. We note in that regard that the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has indicated that the non-deliberative nature of the process has raised concerns that the regime is open to misuse. There is merit in considering granting the Ombudsperson greater authority so as to make the appeal process similar to judicial proceedings.

The issue of the follow-up to Security Council referrals to the International Criminal Court has to be addressed through a balanced approach, bearing in mind the different positions and points of views of Member States and parties. That issue cannot be considered in isolation from other pertinent aspects of the relation between the Council and the ICC. I would

like here to recall cases where the Council has not responded to requests by groupings, such as the African Union, for using the Council's authority, under article 16 of the Rome Statute, to defer an investigation or prosecution in specific cases for a period of 12 months. Egypt believes that the tools available at the Council's disposal for the peaceful settlement of disputes under Chapter VI should not be overlooked before resorting to coercive measures.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Côte d'Ivoire.

**Mr. Bamba** (Côte d'Ivoire) (*spoke in French*): My delegation congratulates you, Madam President, on the accession of your country, Argentina, to the presidency of the Security Council for the month of October, and thanks you for your initiative to organize today's debate on the important issue of the working methods of the Security Council. My delegation would also like to thank Ms. Kimberly Prost, Ombudsperson of the Committee pursuant to resolutions 1267 (1999) and 1989 (2001) concerning Al-Qaida and associated individuals and entities, and the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda, for their constructive briefings for the debate.

The question of the working methods of the Security Council is closely linked to that of the reconfiguration of the Security Council. However, until we are able to find a consensual point of entry that will someday, hopefully, enable expansion and equitable representation in the Council, the collective duty now is to do everything possible to ensure the greatest efficiency in the Council's actions, with a view to maintaining international peace and security, in accordance with the Charter.

My country suffered a severe post-election crisis, which left more than 3,000 dead and 1.5 million displaced persons at the height of the crisis. However, thanks to the consensus that prevailed in the Security Council on that issue, resolution 1975 (2011) was adopted in 2011 and allowed us to put an end to the violence and save countless human lives. Imagine for a moment if the veto had been used in the case of the crisis in Côte d'Ivoire, then today we would be deploring another genocide in Côte d'Ivoire. With that experience, the news of the mass atrocities that we are witnessing now calls on us and obliges us to condemn the Security Council's inaction in the face of those situations, due mainly to the misuse of the veto.

Lest we forget, the right to veto conferred to permanent members of the Security Council is an enormous privilege, which, in our opinion, must yield to the moral imperative of protecting populations against mass atrocities. In that sense, Côte d'Ivoire understands the French initiative to implement a code of conduct to govern the use of the veto in situations of mass atrocities. That is why again today, Côte d'Ivoire expresses its full support for that initiative and will reiterate it whenever it is necessary, just as it did on 25 September, through its Minister for Foreign Affairs and Minister of State His Excellency Charles Koffi Diby, during the ministerial meeting on that issue, co-chaired by France and Mexico, on the margins of the general debate of the sixty-ninth session of the General Assembly.

It is clear that the effectiveness of the Council's working methods will increase significantly with the adoption of such a code of conduct, especially since we have seen the emergence of an encouraging trend with the adoption of resolutions 2150 (2014), on the prevention of genocide, and 2171 (2014), on conflict prevention. In that regard, my delegation urges the Council to organize more briefings by the Special Advisers to the Secretary-General on the Prevention of Genocide and on the Responsibility to Protect, as well as by the United Nations High Commissioner for Human Rights. The importance of that was highlighted in the joint briefing of the Council on South Sudan by Mr. Adama Dieng and Ms. Navi Pillay (see S/PV.7168). In that context, my delegation also supports the horizon-scanning approach of the Department of Political Affairs and any Arria Formula initiative aimed at informing the Security Council on situations where there is a potential risk of mass atrocities.

In conclusion, I would like to recall that as the seventieth anniversary of the founding of the United Nations approaches, the expectations of people all over the globe are increasingly desperate to see a safer, more peaceful and more just world. The Security Council is on the front lines when it comes to providing answers to such legitimate expectations. That is why we encourage the permanent members of the Council to adopt a declaration of principles for a code of conduct on refraining voluntarily from using the veto in situations involving mass atrocities. That will certainly help to give the Security Council all the credibility and strength it needs to deal effectively with its various challenges.

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

**Mr. Taula** (New Zealand): We thank Argentina for convening this important open debate and congratulate you, Madam President, on your energetic and productive chairing of the Informal Working Group on Documentation and Other Procedural Questions. We also thank the Ombudsperson of the Committee established pursuant to resolution 1267 (1999), Ms. Kimberly Prost, and the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda, for their briefings today.

In the interests of time, I shall deliver an abridged version of my statement. The full version will be circulated, including a discussion of the issues raised in the concept paper (S/2014/725, annex) and support for the French initiative on the veto.

We are pleased that there is a regular opportunity in the Council's programme to consider working methods in this way, but we remain of the view that an annual discussion is insufficient. We believe that more frequent, transparent discussion that includes the wider membership and is accompanied by follow-up and monitoring is required.

The notes that have been agreed on by the Council under Argentina's stewardship in the past year are very positive steps. We particularly welcome Council members' renewed emphasis on the importance of early and regular consultation with troop- and police-contributing countries, and the important role that the Working Group on Peacekeeping Operations can play in that regard. We also welcome the confirmation that all Council members can be penholders, and the commitment that has been made to enhancing the participation of all members in drafting Council documents. Those commitments are significant because they relate to issues over Council practice in recent years that have generated such concern, prime among them the fact that most Member States are locked out of the substance of Council deliberations. However, the notes are a challenge to the Council to act rather than an end in themselves. They must be implemented if any kind of practical change is to flow from them.

This year we have been pleased to see more frequent and flexible use of meeting formats such as Arria Formula meetings, which have helped Council members to consult more widely on sensitive but pressing issues. Wrap-up meetings and informal briefing sessions have



also become the norm over the past year. The challenge now is for all Council members to ensure that those sessions are used for substantive exchanges of views that improve the Council's performance and practice.

As we have said in previous debates this year, more must be done to enable the Council to perform its most neglected responsibilities under the Charter of the United Nations, those that come under Chapter VI concerning conflict prevention and the peaceful settlement of disputes. We welcomed the Council's consideration of conflict prevention in August (see S/PV.7247) and the resolution that followed. The Security Council has developed many tools for action under Chapter VII, but is much less well adapted for peaceful action under Chapter VI. Adapting the Council's working methods to that end is vital. In recent years, relevant tasks have become more pre-programmed, more formal and more concentrated in a few penholder hands. It is also unfortunate that the practice of horizon-scanning does not appear to have taken hold this year. We recognize that some States have concerns about that format and welcome continued attempts to improve the concept. Regardless of the name or form given to the concept, the Council should have mechanisms whereby it can regularly look ahead and plan for emerging threats to peace and security, so as to promote early and effective responses. Discussions on emerging crises are often likely to be very sensitive, and are not always best suited to formal Council meetings. We believe the potential exists for a greater role for Council subsidiary bodies to help facilitate more active Council roles in conflict prevention. Similarly, the Council would be much better placed to respond to threats if it had more effective processes for engaging with regional organizations. That has been a focus of some efforts on the part of Council members, but further improvement and greater consistency of engagement are required.

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

**Mr. Nkoloi** (Botswana): I would like to thank you, Madam President, for convening this important debate and for continuing to involve us in the discussion. We would like to recognize the presence here today of the Prosecutor of the International Criminal Court (ICC) and the Ombudsperson, and to thank them for their briefings and for all the information they have given us.

Today's debate now marks six years since the adoption, on 15 September 2008 of General Assembly decision 62/557 launched the intergovernmental

process of reform of this important body. In that regard, my delegation is concerned that after two decades of regular debates and engagements, the question of reform of the Council is still unresolved.

The Security Council remains the principal guarantor for the maintenance of international peace and security. The way it conducts its business is therefore of paramount importance to the entire membership of the United Nations. As a result, we place a high premium on the relationship between the Council and the General Assembly on the one hand, as well as between the Council and the international community at large, on the other.

It is regrettable that since the moment of its creation in 1945 the Security Council has lacked both geographic and democratic representation of the United Nations membership. It defies human logic that Africa still remains the only constituency unrepresented in a body whose legitimacy and strength must derive from the totality of its membership.

As we move forward, we would like to see greater accountability, coherence and transparency in the Council's working methods. My delegation welcomes the proposal to extend the mandate of the Ombudsperson to all Sanctions Committees in order to improve their efficiency and effectiveness. We also call on the Council to assume its responsibility for following up its referrals to the International Criminal Court. Leaving the financial burden to the Court and the States parties is tantamount to abdicating responsibility.

My delegation believes it is now time to reform the character, shape and working methods of the Security Council in order to bring it in line with the realities of contemporary international relations. Only then can the Charter of the United Nations be used, as noted in its preamble, to save succeeding generations from the scourge of war, and be able to serve the fundamental rights of humankind.

The African position, as outlined in the Ezulwini Consensus, is loud and clear. It is inspired by the desire to see the continent take its rightful place among the community of nations in making key global decisions, and proposes expanding both the permanent and non-permanent membership categories of the Council. Furthermore, it views the question of the veto as divisive, exclusive and subject to abuse by the veto-wielding Powers. We therefore welcome the French proposal that calls on permanent members to refrain from the use of

the veto in situations of mass atrocities. We believe that proposal is genuine and morally appropriate. It must therefore be embraced.

My delegation looks forward to the resumption of the intergovernmental process on the question of the reform of the Council under the chairmanship of Ambassador Tanin. We have every confidence that, as we resume those negotiations, we shall take into consideration all proposals brought forward by various groups, find areas of convergence and build consensus on them. As always, my delegation stands ready to work cooperatively with all parties to ensure that our collective efforts during those negotiations bear fruit and achieve good results.

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

**Mr. Boukadoum** (Algeria): At the outset, I would like to commend the Argentine presidency of the Security Council for convening this important annual open debate on the working methods of the Security Council and preparing the concept paper (S/2014/725, annex). I would like also to thank the two briefers, Ombudsperson Kimberly Prost and Prosecutor Fatou Bensouda, for their valuable presentations.

It is obvious that the effective functioning of the Security Council has a direct impact on the maintenance of international peace and security. Article 24 of the Charter of the United Nations indicates that the Council acts on behalf of the entire membership of the United Nations. Therefore, the Council's working methods do not belong only to its 15 members — they are the collective responsibility of the general membership. For that reason, reforming the Security Council's working methods is one of the five linked items to be negotiated in the context of the intergovernmental negotiations on Security Council reform, in accordance with General Assembly decision 62/557.

Algeria appreciates the efforts of the Informal Working Group on Documentation and Other Procedural Questions under the chairmanship of Argentina to improve the Council's working methods and notes the different documents agreed upon by the Informal Working Group since last year's open debate (see S/PV.7052).

Yet we think that more efforts should be exerted to promote the full implementation of the note by the President contained in document S/2010/507 of July 2010 and subsequent notes. Obviously, we must also be

more ambitious and advance our discussions beyond those notes. For example, formalizing the Security Council's provisional rules of procedure, which have been in force for over 60 years, would be a major step towards improving the transparency, openness and consistency of the Council.

In the same vein, private meetings, informal consultations and closed meetings should be kept to a minimum. In addition, issues to be covered at any briefing by the Secretariat should be determined in coordination with the concerned State. Moreover, the concerned party should be given the opportunity to express its views on such briefings. We think transparency and openness would not undermine efficiency.

Let me recall that, through the note contained in document S/2013/515, Security Council members committed themselves to implementing a number of measures to enhance the efficiency and transparency of the Council. In that regard, Council members agreed to make more effective use of public meetings, informal interactive dialogues and Arria Formula meetings. Those meetings should be used effectively by providing for real opportunities and more meaningful exchanges of view to take into account the contributions of non-Council members, in particular those that may be directly affected by the decisions of the Council.

For instance, wrap-up sessions have proven useful in taking stock of the activities of the Security Council at the end of each month. We thank those Council members that have held wrap-up sessions at the end of their presidencies. That practice complements the one whereby Council Presidents brief the wider membership on the programme of work at the beginning of each month.

My delegation would like to stress its strong view on the need to submit to the General Assembly the Council's annual report, which should include enough information and analytical content. We think that the entire United Nations will benefit from such bold steps.

We also believe that it is crucial to strengthen cooperation between the Council and regional and subregional organizations. Equally, States who have embarked upon or undertaken initiatives such as mediation should have more opportunities to interact with the Council. That would definitely work to the benefit of the international community as a whole, since such endeavours are aimed at early warning, conflict

prevention, conflict resolution and the promotion of peace. Messages from such States or organizations should be heard, if not followed, by Security Council members. We strongly believe that the monthly presidency could do a lot in that regard.

Regarding the issue of sanctions, in accordance with the Charter of the United Nations, the imposition of sanctions should be considered only after all means of peaceful settlement of disputes under Chapter VI of the Charter have been exhausted. Accordingly, Chapter VII should be invoked as a measure of last resort. Sanctions should be imposed only when there exists a threat to international peace and security.

In conclusion, let me say that there is still much room for improvement. Algeria counts on all members of the Council, in particular its permanent members, to make greater progress in improving the Council's working methods so as to strengthen its ability to carry out its mandate of maintaining international peace and security in accordance with the Charter.

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

**Mr. Radomski** (Poland): I thank you very much for giving me the floor, Madam. I would like to thank the presidency of Argentina for having convened today's open debate. Poland believes that the process of improving working methods is crucial for enhancing the Council's ability to carry out its responsibilities.

We are confident that transparency in the Council's activities serves not only the wider membership, but also the Council itself. Public wrap-up sessions and briefings for United Nations members are a useful way of providing information outside the Council. However, there is still much more to be done. Troop-contributing countries should be involved in the Council's peacekeeping deliberations to a greater extent. The Council should work towards closer cooperation with civil society. Arria Formula meetings and informal dialogues are extremely useful in that respect.

Guided by the excellent concept paper (S/2014/725, annex) prepared by the Presidency, I would like to pay special attention to the question of sanctions and the Council's referrals to the International Criminal Court. Sanctions are an important tool in the maintenance and restoration of international peace and security. Security Council sanctions regimes should grant fair and clear review procedures that can improve the Council's

credibility and effectiveness. In that regard, the creation of the Office of the Ombudsperson was a step in the right direction. Let me thank Ms. Kimberly Prost and reiterate our full support for her work. In our view, the Council should seriously consider the possibility of extending the mandate of the Ombudsperson to other sanctions Committees.

There is a general consensus among Member States that if the Security Council decides to refer a situation to the International Criminal Court (ICC), it must also urge the States concerned to cooperate fully. Lack of follow-up by the Council with its own referrals undermines the credibility of the ICC. It also hinders our efforts to put an end to impunity for those who have committed the most serious crimes falling under ICC jurisdiction.

The establishment of a mechanism to implement the Council's referrals to the ICC will be a positive step. We believe that entrusting the Informal Working Group on International Tribunals with that task is the right thing to do, given the fact that the Group already has the necessary expertise in the matter. The international community, particularly members of the Security Council, must take action to enhance cooperation with the Court.

Finally, let me also stress Poland's full support for the French proposal to limit the use of veto in the situations of mass atrocities. The initiative is much appreciated especially as it is the first one coming directly from the permanent Council member. We hope that constant progress in the reform process will make the Security Council a stronger and more credible body that will be able to face emerging challenges.

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

**Mr. Tsymbaliuk** (Ukraine): I would like to thank you, Madam, for holding this important meeting and for your useful briefing as the Chair of the Informal Working Group on Documentation and Other Procedural Questions, as well as to congratulate you on the successful Security Council presidency of Argentina. Our appreciation also goes to other briefers — Ms. Kimberley Prost, Ombudsperson of the Committee 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). Ukraine fully appreciates the emphasis in the concept

paper (S/2014/725, annex) before us on the Council's cooperation with the ICC and due process in targeted sanctions. We welcome the contribution of today's debate to take forward those important issues.

With that in mind, I would like to touch upon some other aspects of the Council working methods which, in our view, are of no less relevance to its effectiveness and efficiency and, therefore, of equal interest to the wider United Nations membership.

On the issue of procedure of this body, we welcome continuation of the Council's own efforts aimed at streamlining and improving its day-to-day operations. Among such positive steps in 2014, I would like to point out the further increase in the number of public meetings; the active use of the practice of wrap-up sessions, including the first such public session since 2005 organized by Rwanda; monthly informal briefings at the end of each presidency; and so on. Other welcome developments are the notes by the President S/2014/368 of 14 April and S/2014/393 of 5 June, encouraging, respectively, a more inclusive system of penholders and consultative and earlier appointment process of the Chairs of the subsidiary bodies.

Let me recall the long-standing position of Ukraine on the necessity to give a stronger voice in the Council decision-making processes to those States Members of the United Nations directly involved in implementation of its decisions. First and foremost, it should apply to the troop-contributing countries (TCCs) and police-contributing countries (PCCs). As an active and dedicated participation in United Nations, peacekeeping efforts Ukraine also sees the continuous need to adjust the timing of Council decisions on extensions of mandates of peace operations so as not to put the relevant TCCs and PCCs in difficult position in terms of their domestic legislative procedures. Ukraine encourages Council members to further maintain and build on the dynamics in streamlining its modus operandi in line with Article 30 of the Charter of the United Nations.

Now let me turn to the more complex issues underlying the Council procedure and bearing direct impact on the way it functions. External aggression against Ukraine made my and many other countries take a deeper look at the Council working methods. What became even more crystal clear is the direct linkage between ensuring effective functioning of the Council and genuine commitment of each and every of its members — permanent ones above all — to the

purposes and principles of the Charter of the United Nations.

In other words, it is impossible to effectively address the Council's working methods without first fixing and then preventing the scenario of one of its permanent members abusing core United Nations values, going unpunished for it, and continuing to occupy a permanent seat in this Chamber as if nothing had happened. That is why we believe that the idea that the status of permanent member does not provide immunity from the obligations under the United Nations Charter should lie at the heart of any concept of the Council reform, including in terms of the working methods. We regard the initiative of France for the permanent members to renounce their veto powers in the event of mass atrocities as an important first step in this direction. We welcome the holding last month in New York of a ministerial meeting on framing the veto and express our readiness to contribute to this discussion.

My delegation believes that the elaboration of a proposed code of good conduct for permanent members of the Council should also encompass, besides mentioned genuine commitment to the core values of the United Nations, such vital aspect as prevention of the use of the veto power for aggression. It should also include revitalization and making operational provision of the Article 27 of the Charter of the United Nations stating that a party to a dispute shall abstain from voting in the Council. In conclusion, I would like to reiterate Ukraine's unwavering commitment to the strong, effective, efficient and transparent Security Council — a commitment that was a cornerstone of our only tenure to date in this body as an independent State in 2000-2001.

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

**Mr. Šćepanović** (Montenegro): Allow me to congratulate you, Madam, on your country's presidency and to thank you for organizing this annual open debate on Security Council working methods. We appreciate Argentina's leadership and devotion to the Council's working methods, as well as the results achieved so far under your chairmanship of the Informal Working Group on Documentation and Other Procedural Questions. We thank the Prosecutor of the International Criminal Court and the Ombudsperson of the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated

individuals and entities for their useful presentations and extend our appreciation and support for their respective work.

We welcome the tangible progress made in recent years towards improving the working methods of the Security Council, including most recently the three presidential notes adopted since the convening of last year's debate. It is important to recognize that the efforts to improve transparency, inclusiveness, efficiency and openness have been considerable. This is reflected in holding of open and public debates, wrap-up and Arria Formula meetings, interactive and informal dialogues, all of which contribute to enhanced transparency and improving of the dialogue between Security Council and general membership.

But there is still a lot of room for improvement in the working methods. One particular area we feel deserves our renewed attention is the interaction between Security Council and the General Assembly. We believe that the entire membership can benefit from a more substantive dialogue on issues of importance and relevance between the two principal organs of the United Nations.

Another aspect is preventive work of the Security Council. Montenegro is of the view that Council should better utilize the options at its disposal so as to prevent the emergence of conflicts. In that regard, we deemed useful the horizon-scanning briefings by the Department of Political Affairs, as they represented valuable opportunities to identify potential crisis before developing and act proactively to mitigate the effects of escalation of violence. In that spirit, I would like to mention that measures under Chapter VI should be given priority in addressing crisis around the world. Only after all means of peaceful settlement of disputes under Chapter VI have been exhausted, should the Security Council resort to Chapter VII provisions.

In the context of the responsibility to protect, to which Montenegro is firmly attached, let me also welcome the timely initiative of France on the voluntary restraint in the use of the veto in cases of genocide, mass atrocities and crimes against humanity. That initiative, which Montenegro fully supports, is all the more commendable since it came from a permanent member. My country strongly believes that Council's ability to effectively respond to situations of mass atrocities should not be held hostage by exercising or threatening the veto. Using veto in the face of mass atrocities, as we have witnessed for example

in Syria's case, has devastating consequences on human lives, livelihoods and basic respect for human rights. It also harms reputation and credibility of the Security Council and of the United Nations as a whole. Therefore, we remain very keen to see the idea of the code of conduct materialize, in the spirit of dialogue and constructiveness and in the manner that will ensure the effectiveness and sustainability of the solution. We hope that voluntary self-restraint on the use of the veto will open the way for a much-needed and long-overdue comprehensive reform of the Security Council, in order to bring the Council in line with contemporary world realities.

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

**Mr. Körösi** (Hungary): As the last speaker in today's open debate, I would like to pay tribute to Prosecutor Fatou Bensouda, the members of the Security Council and the other Member States that are still here at this late hour. I also wish to thank you, Madam, for convening this open debate and for preparing a focused concept paper (S/2014/725, annex).

As a member of the Accountability, Coherence and Transparency (ACT) group, Hungary aligns itself with the statement made by the representative of Switzerland, as well as with the statement delivered by the representative of Liechtenstein. Let me add a few observations in our national capacity, starting with the relationship between the Security Council and the International Criminal Court (ICC).

It is our firm belief that, when the Council exercises its prerogative to refer cases to the ICC, it is the Council's responsibility to follow up and ensure cooperation with ICC proceedings. While the Council has announced its readiness to do more in that regard, all seven letters of the ICC President related to cooperation have remained unanswered to date. That is hardly surprising, since the Council has no internal framework to address such issues in a systematic manner. Therefore, we reiterate our call for the creation of a permanent internal mechanism for the purpose, which should deal with all aspects of the Council's relationship with the ICC.

Taking a broader view, ensuring accountability for crimes is a top priority for peace and security. As we have stated many times, there is no lasting peace without justice. Furthermore, military means may only stop the perpetration of further atrocity crimes, but cannot prevent them. Prevention is best served

by the perspective of inevitability, as far as bringing perpetrators to justice. However, this preventive aspect is non-existent without a coherent accountability strategy, developed and applied by the Council in a predictable and evenhanded manner.

A failure to act will only invite further atrocities. To appreciate that we just have to look at the lack of action by the Council on the request for referring the situation in Syria, and the crimes committed by the Islamic State in Iraq and the Levant and other armed groups, in particular against religious and ethnic minorities both in Syria and Iraq. Those crimes most probably amount to war crimes and crimes against humanity.

In order to establish and nurture the mutually reinforcing correlation between peace, security and accountability, the Council must act decisively. This relates to another type of accountability, that of the Council. As pointed out by the International Law Association back in 2004,

“Accountability is linked to the authority and power of an international organization. Power entails accountability, that is, the duty to account for its exercise.”

In our humble view, there is also a duty to account for the lack of action. That aspect of Council accountability also requires the development of a set of clear and public criteria to guide the Council’s future decisions on referrals.

Furthermore, there seems to be a lack of appreciation for the important interrelationship between peace, security and accountability in general, and the duties of the Council in the area of accountability in particular. A look at the Council’s homepage, not a word is devoted to the role of the Council in ICC-related proceedings. In our view, that omission has to be rectified.

With regard to the Sanctions Committees, Hungary appreciates the work carried out by those bodies. We work closely with them and, when called upon, fully assists in their investigations. Having said that, Hungary is also ready to support initiatives aimed at

further enhancing due process in the Committees. Hungary acknowledges the important and growing role played by the Ombudsperson for the Al-Qaida Sanctions Committee, as a necessary element for checks and balances. Despite the lack of a formal agreement, Hungary is willing to assist the Ombudsperson with sharing confidential information on an ad hoc and as-necessary basis. Furthermore, as other countries have done as well, Hungary strongly supports the initiative to extend the mandate of the Ombudsperson to the other Committees.

The fact that we are still here at 6.35 p.m. shows that many countries, including Hungary, truly appreciate the opportunity to speak in the Council and the holding of open debates. In that regard, Madam President, I commend your leadership. In our view, this most welcome interaction could be further strengthened if Member States, in providing suggestions and ideas, could get some form of feedback from the Security Council on such initiatives.

**The President** (*spoke in Spanish*): I thank the representative of Hungary for pointing out the shared interest in the methods of work of the Security Council. I also wish to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court.

Members know me, and so I would like formally to close out the meeting by mentioning the fact that the delegation of Argentina has, over the past two years, worked with members — the experts — who have made possible the six presidential notes that have been adopted. With the Council’s permission, I shall now give the floor to a colleague to conclude the meeting.

*Ms. Millacay took the Chair.*

**The President** (*spoke in Spanish*): I thank you, Madam President, for this honour.

There are no more names inscribed on the list of speakers. The Security Council has thus concluded its consideration of the item on its agenda.

*The meeting rose at 6.35 p.m.*