

Security Council Open Debate, 6 February 2018
Implementation of the Note S/2017/507 (Working methods)
Accountability, Coherence and Transparency (ACT) statement
delivered by H. E. Mr. Jürg Lauber,
Permanent Representative of Switzerland
on behalf of the Group

Mr. President,

Thank you for convening this debate on the working methods of the Security Council. I will speak on behalf of the group ACT – Accountability, Coherence and Transparency. We are a group of 25 Member States from all regions.¹ Our objective is to encourage better working methods in United Nations organs, in particular the Security Council.

Mr. President,

The working methods of the Security Council have been a subject of discussion almost since the creation of the United Nations and the Council itself. Over the years, there has been some progress. Most recently, the adoption of Note S/2017/507 last August, after a process of revision successfully led by Japan, gives a coherent overview of the practices and working methods discussed until today. But we have to acknowledge it: overall progress has been slow and the implementation of what has been agreed upon has been uneven. To safeguard the effectiveness and the reputation of this Council and the UN at large as well as to gain support of the wider United Nations membership for Security Council decisions to be carried out, we believe it is important to implement these practices in a consistent manner and not to slide back from previous decisions and commitments.

Today, I want to highlight four areas where ACT would like to see specific improvements: (1) enabling the E10 to be fully involved in all Council business; (2) drafting and decision-making procedures; (3) due process with regards to targeted sanctions and (4) the relationship of the Council with the Membership and other organs.

First, on enabling the E10 to be fully involved in all Council business, we have to recognize that the composition of the Security Council changes every year with incoming and outgoing members. This is a challenge. Incoming elected members have to get up to speed very quickly and we therefore encourage all measures aiming at involving the E10 early on in the Council's business and at ensuring continuity. In this respect we welcome the fact that starting in October in the last two years incoming members were invited to observe closed Security Council meetings and consultations. We also welcome and encourage the active engagement of E10 in wrap-up sessions and interactive briefings regarding the monthly work of the Council. However, more can be done to ensure they have access to as many resources and documents as possible early on. Further, coordination between outgoing and incoming E10 members, as well as those E10 still staying on the Council is essential in order to ensure unity and coherence in the Security Council's work.

Second, the practices of the Council for drafting and decision-making need some attention. With regard to the penholdership system, should this practice persist, then elected members should be enabled to actively engage on all issues, including those that are particularly important to them and where they have particular expertise. Further pens could be divided among E10 members. Another possibility to ensure this is further use of co-penholderships. In this regard, we encourage holding a discussion among Council members to jointly decide on the distribution of penholderships and co-penholderships. Further, on decision-making the revised Note 507 underlines the necessity of holding at least one round of consultations on a draft with all Council members before it is adopted. This is extraordinarily important to ensure that all Members have an opportunity to engage and fulfil the responsibility entrusted upon them by the Membership.

Third, at the landmark High-Level Meeting on the Rule of Law in 2012 the General Assembly recognized the positive contribution of the Security Council to the rule of law while discharging its primary responsibility for the maintenance of international peace and security. At the same occasion, the General

¹ ACT is currently composed of Austria, Chile, Costa Rica, Denmark, Estonia, Finland, Gabon, Ghana, Hungary, Ireland, Jordan, Liechtenstein, Luxembourg, Maldives, New Zealand, Norway, Papua New Guinea, Peru, Portugal, Rwanda, Saudi Arabia, Slovenia, Sweden, Switzerland, and Uruguay.

Assembly encouraged the Security Council also to ensure that sanctions imposed by the Council are carefully targeted and to further develop fair and clear procedures. This reflects a conviction that the implementation of sanctions must respect the rule of law. ACT strongly believes that the rule of law must apply not only outside of the UN, but also within the UN, in particular in situations in which actions by the UN directly affect individual rights. The UN in general and the Security Council in particular should lead the way in this regard. Council Resolution 1904 of 17 December 2009 which established the Office of the Ombudsperson was a significant step forward in improving the fairness and transparency of the Al-Qaida/ISIS sanctions regime and enhanced the rule of law in the implementation of Council decisions. We strongly urge the Security Council to swiftly complete the appointment procedure for the post of Ombudsperson, which has been vacant since August of last year. We also call on the Security Council to extend the mandate of the Ombudsperson – which has been further improved in the meantime – to other sanctions regimes.

Fourth, the relationship of the Council with the Membership and other organs is an area where we are happy to note some positive developments over the years. There are now regular interactions for instance with the Peace and Security Council of the African Union and the Peacebuilding Commission in its role as advisory body to the Council. We also note a trend whereby Members of the Council more often choose to speak in the open chamber, contributing to increased transparency. While there are situations or certain stages of deliberations on a certain item that require closed-door meetings or consultations, we encourage Council Members to hold open meetings whenever possible and to seek interaction with Member States, other organs, or civil society representatives who can provide useful advice to the Council. Close interaction is also necessary to avoid situations where the Security Council drifts away from the larger membership – and thus the world – when it is in some situations not able to take decisions due to the use of the veto. In this regard, ACT encourages all States, members and non-members of the Security Council alike, to adhere to the ACT Code of Conduct and to implement it.

Mr. President,

It is more important than ever, for all of us, to have an efficient and transparent Security Council. As an important element in this endeavor, let us work together to improve the Council's working methods. The priorities highlighted here today together with those contained in the 2017 edition of the "Handbook on the Working Methods of the Security Council" commonly known as the "Green Book" are a good starting point.

Thank you, Mr. President.