

**General Assembly**  
**60<sup>th</sup> session**  
General debate  
**Statement**  
by  
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**Minister of foreign affairs**  
**New York, 20 September 2005**

*Unofficial translation*

Mr President of the General Assembly,  
Ministers,  
Delegates,

I would like to congratulate the new President of the General Assembly Mr Jan Eliasson on his election and to assure him of the full support of my country.

I propose to concentrate on the following institutional reforms, over which Switzerland has put much emphasis :

- The creation of a Human Rights Council;
- Reform of the Security Council ;
- The Peacebuilding Commission;
- The management of the UN.

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The creation of a Human Rights Council is crucial. The Commission on Human Rights in its present form suffers from several defects. We deplore its weak capacity for responding to grave human rights violations. We also regret its selectivity and the application of double standards, which undermine its authority.

Switzerland welcomes the decision made by the Member States at the Summit to replace the Commission on Human Rights with a Human Rights Council. However we regret that it has not been possible, even at this early stage, to define certain working methods for which a wide consensus already existed.

For Switzerland, this Human Rights Council should be a principal organ of the UN or should at least be directly linked to the General Assembly. It should convene periodically in Geneva and should work in close cooperation with the Office of the United Nations High Commissioner for Human Rights. It should have a size that guarantees both its legitimacy and its capacity to work effectively. Finally, to ensure real added value, it should incorporate those instruments that constitute the strength of the present Commission but without reproducing its defects.

The nature and the working methods of the Human Rights Council should be rapidly defined. We have set ourselves the goal of doing this during the 60<sup>th</sup> session of the General Assembly.

But the ideal solution would be to achieve this before the next session of the Commission on Human Rights, which starts next March.

We need now a clearer idea on the process the President of the General Assembly is willing to conduct. We ensure him of our strong support.

Switzerland hopes that the future Human Rights Council can start its work soon and it invites all States to work towards this goal.

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UN renewal also involves the reform of the Security Council, an organ that embodies both the strengths and the weaknesses of the United Nations.

No one can deny that the composition of the Security Council should better reflect contemporary geopolitical realities. Enlargement of the Security Council will make it more representative and will strengthen the authority of its decisions. However, enlargement of the Security Council is only one aspect of the reform that needs to be made. It should not disguise the fact that there is another indispensable aspect to reform: the need to improve the Council's working methods.

For most countries, the possibilities of gaining a seat on the Security Council are rare and restricted to a limited time period. A serious reform of its working methods would have an immediate and tangible impact for all member states. New and more detailed rules should be adopted in a General Assembly resolution and then written into the Security Council's Rules of Procedure.

Such a reform of the working methods of the Security Council should achieve several goals:

- It should strengthen the possibilities of participation by States that are not Members of the Security Council;
- It should ensure greater responsibility by the Council to all the Member States of the United Nations;
- Finally, it should improve transparency and create ways and means for the Council to hear other points of view.

Efficiency is a fourth criterion that needs to be taken into account. Improvements in the working methods of the Security Council must be motivated by a concern to strengthen its capacity to exercise efficiently its responsibilities for international peace-keeping and security.

In May, Switzerland presented a series of specific recommendations which were well received by a large number of member states. I would like to focus on three specific proposals:

- First, in accordance with the principle of the responsibility to provide protection, the right of veto must not be exercised in cases of genocide, ethnic cleansing or other serious and large-scale violations of international humanitarian law or of human rights. I believe that this principle is sufficiently clear not to require further elaboration.
- Second, the Security Council should refrain, as far as possible, from exercising legislative functions. The task of codifying and developing international law should remain the primary responsibility of the General Assembly, which includes all member states. The Council is authorised by the United Nations Charter to take emergency measures to maintain international peace and security. However, this authorisation cannot be interpreted as including the power to impose legislative obligations, i.e. obligations that are general in their scope, abstract, and unlimited in time.
- Thirdly, on the subject of sanctions decided by the Security Council, the procedures for establishing and revising the list of targeted individuals and entities must be improved.

It is unacceptable that people who are subjected to sanctions which affect their basic rights are denied all right of appeal. In particular, it is important to ensure the right to be heard, which is a fundamental human right.

Switzerland intends to present, together with other countries, a draft resolution on improving the working methods of the Security Council.

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Another important institutional reform decided at the Summit is the creation of a Peacebuilding Commission. Switzerland has brought its ideas and welcomes the creation of this body, which will address an essential aspect of United Nations action and fills a clear institutional gap.

After a conflict has ended, the main players in the fields of peacekeeping, humanitarian aid, and development, i.e. the various institutions, States and civil society, must work together to rebuild the country. The principal mission of the Peacebuilding Commission will be to bring together these players and to define joint strategies for future action.

The Commission will include representatives of the Security Council and ECOSOC, as well as of the

principal financial donors and troop contributors. Switzerland proposes that the directly affected neighbouring countries and the main UN institutions concerned should also be represented in the deliberations. This should be the case for the President of the United Nations Group for Development and for the Head of the Office for the Coordination of Humanitarian Affairs, but also for representatives of the Department of Economic and Social Affairs, of the Department of Political Affairs or of the High Commissioner for Human Rights. It will also be necessary to bring on board, whenever useful, experts from civil society, the academic world or the private sector. We also need to ensure an equitable gender representation.

Peace-keeping, humanitarian action and development are parallel, rather than sequential activities. While drafting its mandate, we shall ensure that the Commission has the competence to give its advices to all institutional actors concerned.

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We can not speak of the efficiency of the Security Council without dealing with the improvements that have to be made in the internal management of the United Nations. The final declaration of the Summit lists the most urgently needed measures. They must be implemented without delay.

In this context, the following three aspects must be taken into account:

- First, the political competence and responsibility to decide the budget belong to the General Assembly;
- Second, the extension of the management competences of the UN Secretary-General is indispensable;
- Third, the internal auditing bodies must be strengthened.

The affairs which have stained the image of the United Nations in recent months underline the urgent need to strengthen the means as well as the financial and operational independence of the Office on Internal Oversight Services. Furthermore, we must strengthen the cooperation between the various oversight bodies which are spread among the UN system. The mandate of the Office on Internal Oversight Services should also be enlarged to allow it to meet the requests of the specialised agencies.

For me personally, it is also important to underline the importance of combating cases of abuse and sexual exploitation committed in the context of UN peace operations. Such abuses are a serious violation of human rights and of the values which the Organisation defends. They also damage the credibility of the Organisation and hinder the accomplishment of its missions on the ground. Switzerland advocates zero tolerance on this question. It strongly supports the measures that have recently been taken, in particular the deployment on the ground of an increasing number of resident investigators by the Office on Internal Oversight Services.

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Mr President,

Ladies and Gentlemen, the Delegates,

Since last autumn, we have been committed to work together on a major undertaking, an undertaking to adapt the multilateral system in order to address the new problems and challenges of the twenty first century, with a strengthened and more efficient UN at its centre.

All reform requires a subtle mix of ambition, realism and patience. We have covered part of the way. The direction to take has been set at the Summit. We must now pursue the process of reform, give shape to the first decisions, and resolve persisting differences. This has to be one of the main objectives of the 60<sup>th</sup> Session of the General Assembly.

Thank you, Mr President.