

**UN GENERAL ASSEMBLY – JOINT DEBATE:**

**REPORT OF THE SECURITY COUNCIL:**

**QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN  
THE MEMBERSHIP OF THE SECURITY COUNCIL AND RELATED MATTERS**

**STATEMENT**

**BY**

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TO THE UNITED NATIONS**

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CHECK AGAINST DELIVERY

Mr. President

We are grateful for this opportunity to comment on the report of the Security Council before us today. While we have in the past joined those who have asked for deeper analysis in the report, making it more than just a compilation of mainly procedural nature, we realize that this may be too tall an order for the Security Council. We are grateful for the efforts that Vietnam has undertaken during its presidency to produce a report that is more satisfactory. We are aware of the magnitude of the effort required to achieve even modest results. We continue to believe that there is a need for in-depth consideration of the Council's activities and a genuine political analysis of its work, but this is perhaps not best done on the basis of an assessment of the Council itself. Given that this debate is the one opportunity for other non-members of the Council to comment on its work, it might be useful to have informal summaries of these debates drawn up by the President of the General Assembly. In addition, we may want to explore formats of analytical discussions outside of the United Nations proper.

Mr. President

In considering the report of the Council, we are also assessing the relationship of the Council with the other organs of the United Nations, in particular the General Assembly. As is well-known, we are a member of the S-5 group and therefore believe that the Charter requires accountability of the Security Council for its decisions vis-à-vis the rest of the membership. In the almost three years of its existence, the S-5 group has engaged with the Council in a constructive manner and strives for enhanced legitimacy and effectiveness of the Council, as decided at the 2005 World Summit. We believe that the relationship between the Council and the Assembly leaves much to be desired, but we also believe that improving it is not a one-way street. A Security Council that fulfils its functions in an effective manner and in accordance with the purposes and principles of the UN Charter is in the interest of the membership as a whole. We also believe that we can strengthen the Security Council and the Assembly in parallel - and that both is needed. The Charter

did not create an antagonistic or competitive relationship between the two organs, and we must not do so now.

Mr. President

The open debate that the Council held in August on its working methods, upon the suggestion of the S5, was a landmark event – and the first of its kind since 1994. Participation in the debate was strong, and the debate was characterized by an open and constructive spirit from all sides. This was an encouraging development and hopefully will be followed-up by further progress on working methods, including in the framework of the Working Group on Documentation. The Council should focus on the systematic implementation of the reform measures it has decided on before<sup>1</sup> and design mechanisms that ensure consistent application of these measures, irrespective of the circumstances and of who happens to be presiding over the Council. At the same time, there is of course room for further and innovative measures to enhance the legitimacy and effectiveness of the Council. In our view, it is mainly through the targeted inclusion and involvement of non-members that the Council will improve its decision-making and the quality of its work.

Mr. President

One area where we have asked, for long years, for the enhanced involvement of States affected by Council decisions, but not members of the Council, is the area of targeted sanctions. During the reporting period, we have proposed, together with a number of like-minded States (A/62/891 - S/2008/428), the establishment of a panel of experts to review decisions on the listing and delisting of persons in the framework of the Al Qaida / Taliban sanctions regime. Our proposal was the product of almost 18 months of preparations and consultations and submitted to the Council in time for the renewal of the relevant resolution at the end of June 2008. The Council adopted resolution 1822 without taking into account our suggestions.

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<sup>1</sup> Cf. note 507 from 2006.

More importantly though, there was no consultation process between Council members and the proponents of a review panel, even though we consistently reached out to the Council in this respect. The decision subsequently made by the European Court of Justice in the *Kadi* case amply illustrates the due process problems of the current sanctions regime. We will continue to work towards an improvement of this sanctions regime and hope for a more positive response of the Council on future occasions. This is a fine example of an external effort to enhance the credibility and thus effectiveness of the Council's work.

Mr. President

We also hope for inclusive discussions of the Council on other issues where non-members are affected, such as the International Criminal Court. We welcome the Presidential Statement that the Council adopted in June 2008, as a follow-up to its first referral of a situation to the Court in resolution 1593 (2005). We believe that all matters related to the Statute and the application of its provisions should also be subject to a discussion open to States Parties of the Rome Statute as well as any other interested State. Likewise, we hope for an informative discussion on issues in connection with the ad hoc tribunals established by the Council that could have a bearing on the work of the International Criminal Court, including on its budget.

Mr. President

In conclusion, let me offer a few comments on Security Council reform, the other aspect of this joint debate: Our comments on the Council's report illustrate our focus on working methods, in accordance with the Outcome Document. We continue to believe that the General Assembly has a direct role and responsibility in this area that flows directly from the United Nation Charter. Ideally, we see a complementary function for conceptual texts such as the S5 draft resolution from 2006 or the Presidential Note 507/2006 of the Council from the same year, and the practical application and implication of such measures. We see much promise and very concrete value in these efforts and will continue to pursue them together with

our S5 partners as well as other States interested in this work, including those serving as members of the Council. At the same time, we will of course continue our engagement on the issue of enlargement. In this connection, we hope that you and your team will be able to establish a negotiating process on the basis of the decision taken in September that will lead to a solution to be adopted by the largest possible political consensus.

Thank you.