

**STATEMENT BY MR. V.K. NAMBIAR, PERMANENT REPRESENTATIVE ON
AGENDA ITEM 11 : REPORT OF THE SECURITY COUNCIL AND ON AGENDA ITEM
40: QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN THE
MEMBERSHIP OF THE SECURITY COUNCIL AND RELATED MATTERS AT THE
57TH UNGA ON OCTOBER 14, 2002**

Mr. President,

At the outset, I must, on behalf of my delegation, express India's absolute and unequivocal condemnation of the senseless and heinous terrorist action perpetrated in Bali Indonesia recently which has resulted in the tragic death of so many innocent civilian lives. We convey our profound condolences to the government and people of Indonesia as well as to the families of the victims of this tragic incident. We reaffirm our determination to work fully with the international community in efforts to confront, unitedly, the terrible menace of international terrorism.

Please allow me to express my delegation's appreciation to the President of the Security Council for his introduction to the report of the Security Council. I would also like to take this opportunity to congratulate Angola, Chile, Germany, Pakistan and Spain on their election to the Security Council.

Mr. President,

An analysis of the organic instrument that constitutes the bedrock of the United Nations, namely the Charter, shows that the exercise of the primary responsibility of the Security Council is linked to the consideration of its reports by the General Assembly. Article 24(3) and Article 15 of the Charter require the Security Council to submit and the General Assembly to receive and consider the Annual and Special reports. The submission of its Annual Report by the Security Council to the General Assembly for its consideration establishes a modicum of accountability in the

relationship between the Security Council and the General Assembly.

It is, therefore, gratifying to note that the Report of the Security Council this year represents a fresh approach to the very issues raised in this very august assembly on the accountability and transparency of the Council in its functioning as an organ of the UN. The new format of the report and, more important, the attempt at reform leading to greater transparency and consultation with non-members on major issues, are important steps in the right direction. In this context, I wish to place on record our appreciation for the proactive role played by Singapore, under the very able guidance of Ambassador Mahbubani, in ensuring that many of the ideas for improvement in the functioning of the Security Council, raised at the General Assembly, are being implemented. Admittedly, no effort of one single member can be successful without the cooperation of the other members. All the current members of the Security Council have undoubtedly contributed towards initiating the changes in the Council and we wish to congratulate each of them in their effort. I wish to also thank the Secretariat for bringing out a much shorter but more concise and focused report on the Security Council.

Document S/PV.4616 which contains the provisional verbatim record of the Security Council's meeting held to consider the draft report of the Council to the General Assembly provides a valuable insight into the effort and cooperation that went into the reforms sought to be introduced in the working of the Council. Ambassador Mahbubani has described the Security Council, based on his unique insight

from within, as one of the most conservative institutions in the world today. Reforms are not easily introduced into a body that has remained unchanged in core composition since its inception over 50 years ago. Yet, it is also important that the Security Council also heed the calls for reform in an Organization that has initiated reform measures in all its other major organs.

We fully agree with Ambassador Mahbubani when he advocates the need for formalising the system of drawing names to determine the speakers' list for public meetings. There is surely a method in the madness here. But we have yet to discern it. Standardization of the nomenclature of the different types of meetings of the Council would be another useful action. A perusal of the document S/2002/603: "Note by the President of the Security Council on procedural developments in the Council in 2001" indicates the multifarious forms of meetings, order of speakers and innovations within them that the Council adopted during this period of time.

We fully appreciate the point brought out by Ambassador Levitte of France, in his intervention at the Security Council meeting on the report, that the Council has moved from a period of hibernation to a period of rapid development. In 2001, the Council held 192 formal meetings, the highest in a one-year period since its inception. Of greater importance was the fact that 159 of those meetings were public, the fourth highest number of public meetings in a year in the Council's history. This is a good beginning towards transparency. We favour more open meetings, allowing the participation of non-members in the debates, thereby enabling the views of the wider comity of nations to be heard and taken into account in the Council's consideration of vital issues of global import. Better organization in the form of advance intimation of the monthly programme of work, information posted on the Council's UN website and the websites of Missions of member states holding Presidency of the Council for a particular month, and wrap-up sessions are all positive developments in the

move towards transparency in the Council's functioning.

Ambassador Greenstock of the UK has spoken of the need to assess the quality and not just the quantity of the Council's work. We are in agreement with this observation. The Council moved quickly and decisively in the aftermath of the September 11 attacks to adopt resolutions 1363, 1368 and the landmark 1373 as well as the sanctions against the Taliban under resolutions 1267 and 1333. In January 2002, the Council adopted resolution 1390 to respond to the threat posed by the Taliban and Al Qaida. It established the Counter Terrorism Committee which has begun its work with the spirit and dynamism that the situation demands. The Council's active intervention in establishing an International Security Assistance Force (ISAF) in Afghanistan and coordinating the role of peacekeepers in different conflict situations in Africa and elsewhere have proved valuable in dousing the fires raging in many of these cases.

Some of the Council's actions continue to require greater clarity, equity and sense of purpose. For instance, the role of the Council in running the oil-for-food-programme for Iraq, under which the Council Members decide which contract to approve and which to put on hold, has led to a situation where 866 contracts worth US\$ 2.7 billion have been put on hold as of October 4, 2002, without any effective or independent avenue to improve the situation. The reasons why the shortfalls in Iraqi oil exports have arisen, leading to approximately \$ 2.56 billion of humanitarian goods being placed on hold, have to be examined and gone into with a sense of urgency and compassion for the people of Iraq.

Mr. President,

While the efforts at reform, initiated primarily by non-Council members to introduce greater transparency and accountability in the Council's functioning, have been an important step in the right direction, the process of reform should, in no way, be considered as having been completed and fully accomplished. We would urge the Security Council to make transparency

as an essential feature of its functioning. A major effort should go towards making closed meetings an exception. We agree wholeheartedly with Ambassador Greenstock that virtually all Council meetings, with the exception of those involving negotiation of texts or on issues which require confidentiality, could be kept open.

It is quite natural that, given the profusion of conflicts arising in the aftermath of the Cold War, the Council would have over-extended itself in its efforts to contribute to the resolution of these situations. While it is the Council's primary responsibility to maintain international peace and security, it would be necessary to realize the practical and realistic limitations of involvement in all situations, particularly those that are best contained through the efforts of the parties involved themselves. Here again, we agree with Ambassador Greenstock when he says that there are some issues that the Council does not, and in our view, cannot resolve; and that in his belief, avoiding the Council is, empirically, the right way to go.

We also appreciate the spirit behind which efforts have been made under what has now come to be known as the "Arria formula" to introduce greater informal interactions between the Council and representatives of organisations that could provide valuable inputs into the Council's workings. A notable example of the utility of "Arria formula" meetings referred to by the President of the Security Council in his note on transparency in the Council, is the meeting held on March 6 2001 with the Secretary General of NATO. Arria formula meetings have also been utilized by Presidencies to facilitate meetings of Council members with NGOs and civil society, including academics. This, on the face of it, is a desirable trend when it involves mainly social or economic issues that could impact on the Council's overall assessment of a situation. However, when it comes to dealing with complicated and long-standing political issues with concomitant sensitivity and controversial implications, the Council would be well advised to exercise great circumspection.

It is our considered view, and one which I am certain many members share, that in an effort to increase transparency, the Arria formula should not, in fact, introduce subjectivity and controversy that could ultimately prove more injurious than therapeutic to the issue it ostensibly seeks to resolve. Nor should it prove divisive within the Council's membership. We would recommend strong rules governing the issues on which such meetings may be called, the choice of parties involved in the briefing and the views of Member States, if any, be framed before any such initiative is undertaken in the future. This would be a genuine effort towards transparency. Otherwise, the question of why "Arria formula" meetings are not held on issues that Security Council members are themselves involved in would indeed become a vexed one.

Mr. President,

Beyond the flaws in the reporting procedures and in the meetings behind closed doors, there is a deeper subterranean fault line, a malady which points to the loss of moral vision and the democratic ethos of representation in the Security Council. Many a problem confronts us today because of the way the Security Council is structured. The structure and composition of the Security Council is demonstrably out of touch with the ground realities and is no longer capable of meeting the aspirations and expectations of the membership and of the international community. The solution lies in reforming and restructuring the Council comprehensively. Much has been said and written on this subject and even as a consensus continues to elude us in the deliberations of the Open-Ended Working Group [OEWG], on one point there is general agreement. The Security Council, as it is composed today, is unrepresentative and anachronistic, and in no way reflects a world that has changed dramatically in the more than 50 years since San Francisco. That the developing countries, which constitute the vast majority of the general membership of the United Nations, find no place in the category of permanent members and are inadequately

represented in the non-permanent category, serves only to further highlight the unrepresentative and unbalanced nature of a body that, by its definition, is responsible for the maintenance of international peace and security, but which, in practical fact, is ill-equipped to do so to the satisfaction of the members of the Organisation. The Council's actions, Mr. President, cannot be seen to be commanding a legitimacy which its own composition and working methods do not possess.

There is little disagreement among member states that the Council requires reform to better reflect current global realities: reform that imparts balance, representativeness and legitimacy to the Council and which reflects contemporary reality; reform that is not piecemeal or partial, which would only serve to perpetuate the unrepresentative character of the Council and erode its credibility even further; reform that is comprehensive, which includes expansion of the Council's membership in both the permanent and non-permanent categories, improvement in its working methods and reform of its decision-making processes. Any reform that does not contain these core elements would, in our opinion, be no reform.

We have had occasion to outline India's position on Security Council restructuring on several occasions in the past, and we shall refrain from doing so now. However, we would like to caution against the temptation to resort to piecemeal and partial solutions. After toiling for nine years, if we were to agree to an expansion of the Security Council in the non-permanent category alone, or if we were to make cosmetic changes in its working methods, we would be doing a major disservice not only to ourselves but to the Organisation as a whole. Expansion is needed in both categories of Council Membership and if an attempt to do so otherwise is made, we would not only be shying away from the main issues that confront us but also perpetuating an international system characterized by inequity.

Turning to the Working Group, we note that there have been much fewer sessions and

meetings this year compared to the past, reflecting the present state of ennui among member states. There has been progress, though, in the Council's working practices. Particularly noteworthy in this connection, is the stepped-up interaction between the Council and the troop contributing countries, which we would like to see as an ongoing, expanding and fruitful interaction in the years to come. India remains committed to an evolution in this respect.

Mr. President,

We have, deliberately, confined ourselves to outlining very briefly the fundamental precepts on which we believe the reform and expansion of the Security Council should be structured. My delegation will participate and contribute to the consideration of specific issues when the Working Group begins a detailed discussion of these next year. Suffice now to say that India remains committed to implementing the call of the world leaders in the Millennium Declaration to achieve a comprehensive reform of the Security Council in all its aspects and that we see the Working Group as the legitimate instrument to do so. We welcome all constructive proposals to carry our work forward and would be happy to cooperate with the Bureau and all members of the Open-ended Working Group towards this end.

We also wish to place on record our reservations on the need for the Security Council to spend so much time on thematic issues such as women and armed conflict, children in armed conflict, or the protection of civilians in armed conflict, all of which pertain to the management of conflict and therefore outside its mandate. This transgression into the areas allocated to other UN bodies competent to handle many of these thematic issues could even be condoned if the discussions added value. Unfortunately, they add nothing to either the norms set by international law or to its practice.

In conclusion, I wish to state that the process of introducing reform and change into

the Council's functioning is both noteworthy and laudable. While welcoming them we also look forward to the continuation of this process. The Security Council should not be seen as an isolated island of exclusion in a

democratic polity. The attempts at reform and greater participation have to be seen in this light.