



**REMARKS BY MR. NIRUPAM SEN, PERMANENT
REPRESENTATIVE, AT INFORMAL CONSULTATIONS OF THE AD
HOC WORKING GROUP ON THE REVITALIZATION OF THE WORK
OF THE GENERAL ASSEMBLY AT THE UNITED NATIONS ON
FEBRUARY 16, 2006**

Madam Co-Chair,

We appreciate this opportunity to exchange views on the revitalisation of the General Assembly. We join our colleagues in congratulating both of you on your appointment. Comparisons are invidious but yours is perhaps the most important task. If the General Assembly cannot be revitalised the rest of the reform process may prove unavailing, certainly skewed and sub-optimal.

We entirely support the statement made by Malaysia, on behalf of the Non-Aligned Movement. Therefore, we shall confine our observations to dimensions that need to be highlighted or additional points that need to be made.

The Outcome Document clearly reaffirmed the central position of the General Assembly as the chief deliberative, policymaking and representative organ of the United Nations, and the role of the Assembly in the process of standard-setting and the codification of international law. It also called for full and speedy implementation of the measures adopted to strengthen the General Assembly's role and authority.

Paragraph 4 of General Assembly resolution 59/313, pursuant to which these consultations have been scheduled, decided to identify ways to further enhance the role, authority, effectiveness, and efficiency of the General Assembly, inter alia, by building on relevant Assembly resolutions and reviewing the agenda and working methods of the Assembly. While welcoming discussions on the three key elements that you have identified in your letter as being part of this task, we believe that the mandate provided by the General Assembly

on this issue is much broader, firstly, because 59/313 decided to *build on* relevant Assembly resolutions, which includes resolutions 58/126, 58/316 and 59/313 and, secondly, the two tasks that have been identified in para 4 of resolution 59/313 are only indicative – para 4 speaks of these measures in the context of the popular UN phrase, “inter alia”. We, therefore, consider the key elements identified in your letter as a good starting point for our discussions.

The primary question that we should address is whether the General Assembly can be revitalized through a mere rationalization of its agenda or meetings. Perhaps, we need to remind ourselves that the task before us is to strengthen and revitalize the General Assembly and not to carry out its administrative reorganization. We are convinced that the General Assembly can be revitalized only through action, through taking decisions according to the approved rules of procedure; through asserting control over long term questions of peace and security, including disarmament and arms control (Articles 11 and 14 of the Charter); by elaborating international law and human rights, including oversight of all human rights machinery (Article 13.1); by controlling Secretariat restructuring, including finance, personnel and management; by setting the international economic agenda; and by establishing the principles of oversight and accountability through actually selecting the heads of the UN and its bodies. Such strengthening and revitalization cannot be accomplished through a mere rationalization of agenda and meetings or by transferring items from one weak body to another.

Not only is there need for full respect for the functions and powers of the principal organs, in particular the General Assembly but also to maintain balance among them within their respective functions and powers in accordance with the Charter. The UN Security Council acts on behalf of the Member States while carrying out its primary responsibility for the maintenance of international peace and security under Article 24 of the Charter. Accountability to the General Assembly is implicit in the performance of the Council's primary responsibility. Along with respecting and upholding the Charter, it is imperative that the Security Council avoid the temptation to shift the agenda of the Assembly to the Council. The Security Council seems to be following Oscar Wilde's example of “resisting everything except temptation.” The encroachment by the Security Council on issues which clearly fall within the functions and powers of the Assembly and its subsidiary bodies is contrary to the decision that we have all taken together, including the members of the Security Council, to strengthen and revitalize the General Assembly.

The General Assembly should not depend on the Security Council for its own revitalization - it must defend what it is mandated by the Charter to do. Thus, the Security Council, by its decision to focus this month on the issues concerning peacekeeping operations, management/procurement and sexual exploitation and abuse in peacekeeping operations has clearly encroached upon areas that are still under the Assembly's active consideration and which under the Charter fall within the competence of the Assembly. Consultations may help but I am not sure that consultations would be enough. Consultations seldom prevent land encroachment. It is unlikely, that, by themselves they can check mandate-encroachers any more than they check land encroachers. The General Assembly will have to address this assault on its functions and prerogatives or else give up discussing its revitalization. The Non-Aligned Movement has already done much in its letters of 3 February and 14 February addressed to the General Assembly President. As we deliberate on further measures that we need to take for the revitalization of the General Assembly, members of the Assembly need to consider ways to defend the Assembly's mandate, including through their approach to participation in discussions of the Security Council that encroach on the mandate of the Assembly.

Resolution 59/313 focused not just on the role and authority of the Assembly and its revitalization but also on the strengthening of the role and leadership of the President of the General Assembly. The position of the President and his leadership would be strengthened not just by organizing debates or by augmenting of the resources available to him but also by the proactive role that the President can play vis-à-vis the President of the Security Council whenever the Council encroaches upon the mandate of the General Assembly that has elected him.

The General Assembly's role cannot simply be one of constructive relationship to ensure a better coordination. It should go beyond coordination and coherence to setting the agenda. The Assembly must focus on the global economic architecture and change it and ensure the centrality of the UN in economic matters. It is in the interest of the developing countries to increase their weight and voice and thereby exercise a beneficent influence on Bretton Woods Institutions.

Member States would soon engage in the process of selecting a Secretary-General for the U.N. At the moment, the Security Council

presents a name of the candidate to the General Assembly for its consideration. Thus, the GA has a de jure role in the selection procedure while de facto selection is made by the Security Council. If the General Assembly is to be revitalized, its involvement in the selection of the Secretary-General should be both de facto and de jure. Instead of a selection process which is shrouded in secrecy, we need a leader aware of and responsive to the aspirations of the wider membership, with the legitimacy of a wider base and a less arbitrary selection process where the General Assembly would both have primacy and a de-facto and not just a de-jure role in making the choice. It was after all the General Assembly that in 1950 made the decision to extend the tenure of the first Secretary-General Trygve Lie by three years when the Security Council informed the General Assembly about its inability to agree on a recommendation on the appointment of a Secretary-General. To take another example, in 1946, the resolution that the General Assembly adopted on the appointment of the Secretary-General and the respective roles and responsibilities of the Security Council and the General Assembly in that context, was based on the recommendations of the Fifth Committee. It is more than sixty years ago that resolution 11(1) was adopted and perhaps it is now time to revisit the issue to impart greater transparency and inclusiveness in the selection process.

There is a tendency outside the United Nations, but not only outside it, to denigrate the General Assembly and deny it, its vital role. This is strange considering its pre-eminent role since the time of the founding of the Organisation. The General Assembly has provided the structural competence in establishment of specialized programmes on issues that are of primary concern to the large majority of this principal organ. These include a wide range of activities including human rights, children, refugees, food aid, trade, aid, population control, disaster relief, environmental protection etc. In this context, it is necessary to consider whether the exercise of mandate review in all organs should be conducted by the General Assembly in order to have a complete picture of overlapping mandates and the changes in mandates that have, for example in the case of the Security Council, resulted from setting up of the Peacebuilding Commission and the changes in human-rights related mandates that will result when a Human Rights Council is set up. An important activity such as a mandate review should therefore not be done piecemeal but in a comprehensive way by the only universal representative organ of the United Nations which is the General Assembly.

It will also be necessary for the General Assembly to keep in mind that the mammoth exercise of mandate review is not bound by an artificial timeline or held hostage to any spending cap. This would not only be impractical but may produce outcomes that we may eventually find difficult to unravel. For example, the adoption of the mandate under Security Council Resolution 1646 has created enormous difficulties in the setting up of the Organisational Committee of the Peacebuilding Commission.

In conclusion, I would like to state that the General Assembly has to either set the agenda or be dominated by somebody else's; either act or remain in the realm of words for years to come; either find concrete and effective mechanisms for actually addressing the concerns of the vast majority of this Organisation or continue to be a spectator to the progressive encroachment on its role and authority.

I thank you Madam Co-Chair.

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