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HOC WORKING GROUP ON THE REVITALIZATION OF THE
GENERAL ASSEMBLY AT THE UNITED NATIONS ON MARCH 16,
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Madam Co-Chair,

We thank you for convening the third meeting of the working group and the two informal notes on the implementation of resolutions 58/126, 58/316 and 59/313. After all, these resolutions and their implementation provide the basis for our deliberations here. Let me first comment on the information provided in the two informal notes.

This information at times is incomplete and, in some cases there is inadequate explanation of why a particular measure remains unimplemented or partially implemented. To give an example, OP4 of resolution 58/126 called on the General Assembly President to apprise the General Assembly of his decision on the assessment of the debate on the annual report of the Security Council as to the need for further consideration of the Council's report and on any matters that need to be brought to the attention of the Security Council. The "Status of Implementation" provides the following information: "To date, consideration of the report of the Security Council has been held in the plenary." This is neither sufficient nor gives any idea whether there was any assessment undertaken or whether a need was felt for further consideration of the Security Council report, including in respect of convening informal consultations.

On the question of "rationalisation of the agenda" the information provided in the second note indicates that several Main Committees have undertaken measures to bi-ennialise and triennialise agenda items. A more useful analysis for our work would be the number and proportion of items that have actually been biennialised or triennialised? The question is not whether resolutions can be biennialized or triennialized. The question is

whether it this is really an effective mechanism for the revitalisation of the General Assembly.

A similar assessment of the measures provided in resolution 58/126 needs to be undertaken - for example, whether the mechanism of meetings of the Bureaux-elect immediately after their election and meetings between incoming and outgoing Bureaux was found to be useful in improving the functioning of the Main Committees. This type of assessment can be provided by the Bureaux of the Main Committees to the General Assembly President as it would give us an insight into the utility of such mechanisms in improving the functioning of the Main Committees.

One fact is, however, very clear - the resolutions adopted by the General Assembly on the rationalisation of its agenda and working methods have had little or no impact on improving either its effectiveness or its efficiency. In fact, rationalisation of the agenda and improvement of its working methods will only be meaningful if it, in turn, leads to implementation of General Assembly decisions. Or conversely, if General Assembly decisions are implemented in full measure, this could obviate the need for considering an agenda item in a subsequent year.

As I had said during a previous discussion, administrative reorganization measures envisaged under these resolutions are insufficient for revitalization of the General Assembly. The short point is that, if these measures were sufficient we would not be discussing the revitalization of GA today. This has more than amply been demonstrated by the increasing encroachment on and consequent undermining of the role and authority of the General Assembly by the Security Council. While the relevant Committees of the General Assembly will continue to examine these issues, the General Assembly plenary sooner rather than later will, have to consider issues that fall within its prerogative. These are, after all, integrally linked to the UN reform process as well as the shape that these reforms take, specially whether this will be a General Assembly determined process. We achieved this substantially in the case of the Human Rights Council established yesterday but could not do so satisfactorily in the case of the Organizational Committee of the Peacebuilding Commission. In formal terms, the Secretariat's background note correctly claims that much has been achieved. In real terms, not only has the decline in the authority and role of the General Assembly not been reversed; it has not even been halted. If anything, not only does this decline continue apace; in the recent past it seems to have gathered momentum.

This was to be expected. Five additional posts, transitional office accommodation, election of the full bureaux three months in advance, reorganisation of the agenda, services for *ad hoc* groups, rationalising the agendas of the main committees, their adopting early programmes of work, issuing GA Rules of Procedure online and the like can at best clear the wreckage and streamline things; it cannot empower the General Assembly. These measures do not automatically lead to empowerment but empowerment would inevitably have led to the automatic adoption of these measures. Working methods by themselves do not empower. The Security Council is gathering ever more powers though its working methods are opaque and its Rules of Procedure not only not online but formally provisional and actually seldom observed.

The background note says that the use of optical scanners is still being examined. Even if the examination were to be completed, the measure would streamline but not empower. Stalin understood this point well when he said that “what is important is not who does the voting but who does the counting”. What we require is not something technical and therefore marginal but something political and therefore central – in short not a technical improvement but political empowerment. I would like to suggest six measures that this Working Group may wish to consider:-

1. The meeting between the Presidents of the General Assembly, the ECOSOC and the Security Council are meant to promote the harmonious functioning of these organs. But harmony cannot be achieved by one chord in a one sided manner. What if the Security Council does not heed sound advice, as has happened recently (in the case of the PBC and procurement debates). In such cases, it is not enough to let the ritual meetings go on and achieve little: it is important for the General Assembly to take matters in hand and hold a debate on the issues where encroachment has taken place and take practical concrete measures to assert its oversight role and authority.

2. Similarly, the Chart on Implementation annexed to the background note shows that since the adoption of Resolution 58/126 of December 2003, no special subject oriented reports have been submitted to the General Assembly. The General Assembly may wish to seek specific reports for its consideration on specified subjects. This would be of special importance in the coming months. Following the submission of the last Annual Report, many delegations had stated that it represented a marked retreat from better working methods since it was purely factual

and devoid of analytic content. In future, the General Assembly could consider rejecting such reports and asking for fresh reports.

3. The background note mentions the role of the GA in discussing issues pertaining to the maintenance of international peace and security. It is worth remembering that the United Nations Emergency Force during the 1956 Suez Crisis was established by the GA and this as well as the expenses incurred were upheld by the International Court of Justice which had clearly stated that the responsibility conferred by Article 24(i) on the Security Council is "primary" and not "exclusive". The Security Council determines the nature and size of peacekeeping mandates and also extends the duration of such missions from year to year. The General Assembly determines the financing and management of such missions. Permanent Members of the Security Council are required to pay more for such missions by virtue of their "special responsibility" for maintaining peace and security. But we have a situation where Permanent Members of the Security Council do not pay their assessments to particular peacekeeping missions for years on end thereby creating problems in their financing and management. Surely such 'special responsibility' also entails responsibility for financing of the mandates that they determine. Since Security Council members have been unwilling to finance some of the very mandates that they approve, it is perhaps necessary for the General Assembly, by virtue of its responsibility to manage those missions, to take up those mandates and to examine them closely. Otherwise, it will not be possible to continue some of those peacekeeping mandates.

4. We are soon going to consider the mandate review in all organs of the UN. Perhaps we need to consider whether this exercise 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 result from the setting up of the Human Rights Council. 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.

5. We are discussing elsewhere the strengthening of ECOSOC. Sometimes, we hear talk of duplication between the work of ECOSOC and the Second Committee. It is important to bear in mind that the ECOSOC is supposed to consider the details of issues and the General Assembly provide policy guidance. There is a

clear complementarity leading to synergy. The General Assembly should also give some attention to this matter in order to preserve this because this is so essential for fulfilling the development mandate of the United Nations. A mechanical approach to duplication could lead to further emasculation rather than empowerment.

It is amply clear that it is not a question of going beyond what is contained in these resolutions for guidance but of implementing these in letter and spirit. Take Preambular paragraph 10 of resolution 59/313 which reaffirms that the plenary meetings of the General Assembly should constitute a forum for high-level policy statements, as well as for the consideration, *inter alia*, of agenda items of special political importance and/or urgency.

6. A crucial issue of special importance for all of us will be the selection of the new Secretary-General. There has been a growing realisation both among Member States and among civil society on the need for a Secretary-General who comes to office backed by the legitimacy of a wider support base and a less arbitrary and more inclusive selection process than the current arrangements. The practice since 1971 – of the General Assembly accepting the Security Council's recommendation and appointing the Secretary-General by acclamation - has to be seen against the legal requirement under Article 97 of the UN Charter, which recognizes that "The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council". In any case, as far as the Security Council is concerned, the days of acclamation seem to be over; there is less and less left to acclaim. The General Assembly has to reassert its appointing role and its primacy in this matter.

The provision in Resolution 11(1) that it is desirable that the Security Council recommend one candidate was in the context of a different world order that existed at that time in which it was desirable that the two cold-war adversaries agree on a common candidate before putting forward his name. (This was meant to straddle the East-West divide). The situation today is entirely different. The time has now come for a greater *de facto* and not just abstract *de jure* General Assembly involvement in the selection of the Secretary-General.

This working group should, therefore, consider revisiting Resolution 11(1) of 1946 as a key priority in its work. It should consider formulating guidelines and criteria for the selection of the Secretary-General – a process which will inject new dynamism and

impart greater legitimacy to the selection process. The basis of work can be the General Assembly Resolution 51/241 of 22nd August 1997, one of the most important for the revitalisation of the General Assembly through action on a specific issue of special political importance and some urgency. Paras 56, 57 and 60 of this Resolution are worth recalling: *"56- the process of selection of the Secretary General shall be made more transparent"; "57- The General Assembly shall make full use of the power of appointment enshrined in the Charter in the process of the appointment of the Secretary General and the agenda item entitled "The Appointment of the Secretary General of the United Nations": "60 – Without prejudice to the prerogatives of the Security Council, the President of the General Assembly may consult with Member States to identify potential candidates endorsed by Member States and, upon informing all Member States of the results, may forward those results to the Security Council".* The GA needs to build on the spirit of these provisions. As for transparency, since 1981 there has been an increase in arbitrariness and secrecy through first the straw polls and then coloured ballots, which incidentally concretized the distinction between permanent and non-permanent members in the shape of two pence coloured and penny plain – red were permanent members and white non-permanent members.

Our point of departure is the actual situation. On the one hand, there is a sense of alienation and disempowerment among the broad majority of Member States, made worse by the Security Council's continual encroachment on the prerogatives of the General Assembly. On the other, is the clear lesson of the Volker Report on the Oil-for-Food Programme that the Secretary General's lack of authority was not because of any management problem but because the Security Council (specially its permanent members) did not let him have any. Both these point to the necessity of a Secretary General who would be independent of such pressures and this can only be if he is elected by the General Assembly not just *de jure* but *de facto*. This would also establish through action the primacy and authority of the General Assembly.

I thank you, Madam Co-Chair.

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