



STATEMENT BY MR. AJAI MALHOTRA, DEPUTY PERMANENT REPRESENTATIVE, AT THE OPEN-ENDED WORKING GROUP ON THE QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL AND OTHER MATERS RELATED TO THE SECURITY COUNCIL ON APRIL 20, 2006

Mr. Chairman,

We are pleased to see you chair this meeting and would like to assure you of our full support and cooperation in carrying out your responsibilities. Kindly accept our congratulations on the convening of this first meeting of the Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council.

This first meeting is to focus on organisational matters and will enable a general exchange of views on the work of the Open-Ended Working Group. The Working Group has played an important role in the past in bringing about some reforms in the UN Security Council. Yet much more remain to be done.

In statements at the 60th UN General Assembly and earlier, India has repeatedly highlighted the imperative to comprehensively reform the UN Security Council, both in terms of its membership and its working methods. In particular, we have pointed out that while membership of the UN has increased nearly four-fold since its inception sixty years ago, the size and composition of the Security Council, particularly of its permanent membership, has remained more or less intact. A comprehensive reform of the UN Security Council is overdue and is essential in order to bring it in line with contemporary realities and strengthen the UN as a whole.

It is also a matter of concern that developing countries are grossly under-represented in the Security Council, even though most decisions taken by the Council directly affect them. Any expansion and restructuring of the Security Council must include developing

countries, both as permanent members and in the non-permanent category. Inclusion of permanent members from Africa, Asia, Latin America and the Caribbean, would optimise the Security Council decision making that is so essential to address the concerns of the developing countries and help secure the adoption of new, fair and transparent working methods.

The United Nations Charter has delineated clear lines of responsibility between the General Assembly and the Security Council. Articles 11, 12, 15, 24 and 25 are particularly relevant in this regard. Additionally, various General Assembly resolutions have clarified this relationship, including Resolution 377 (V) of 3 November 1950 ("Uniting for Peace") and Resolution 58/126 of 19 December 2003. In discharging its responsibilities, it is important that the Security Council respond to the mandate embodied in the Charter and to the discussions in the General Assembly. Faithful observance of these norms is critical for securing and reinforcing a healthy constitutional relationship between the General Assembly and the Security Council.

Mr. Chairman, in many other ways too the working of the Security Council leaves much to be desired. Thus, for example, we have observed that the consultations with and briefing of non-members by the Security Council has tended to be arbitrary and *ad-hoc*. Certainly, some Council Presidents do attach importance to this process. However, many others have been indifferent. In several instances, despite scheduling of briefings for the general membership, these either did not take place or were perfunctorily carried out. In fact, briefings given to the media are often far more comprehensive than those given to non-members of the Security Council!

Mr. Chairman, in order to address this unsatisfactory state of affairs, the G-4 countries had introduced on 6 July 2005 a practical and comprehensive resolution that addressed the issue of Security Council reforms in its entirety. That draft resolution received very wide support amongst UNGA members. It has been re-tabled by Brazil, Germany and India on 5 January 2006 as document L.46. No other model for reform and expansion of the UN Security Council has met with a similarly high level of endorsement.

Our aim behind re-tableing the G-4 draft was to further explore the potential of joining hands with all Member States supporting Security Council reform. In that context, we welcome a discussion of the L.46 draft resolution by all Member States genuinely interested in such reform. We will join in such discussions with an open mind with a

view to further broadening its support base. We hope to now see positive dynamics instilled into the process of Security Council reform.

We have also been encouraged by the efforts of other Member States in the same direction. In fact, both the initiatives undertaken by others in tabling draft resolutions on this issue share to a large extent some of the central reform aims of the G-4 draft resolution.

Thus, we have been enthused by the tabling of the draft resolution by the African Union last December. Its contents we support.

We have also noted with interest the tabling last month by the S-5 of the draft resolution on Working Methods of the Security Council. While well intentioned, the S-5 proposal is neither practical nor comprehensive. It is exhortatory in nature and its operative paragraphs "invite" the Security Council to "consider measures" and "report" to the General Assembly. Unfortunately, if past precedent is any guide, the P-5 are unlikely to respond positively to such an 'invitation'. Still, despite its evident deficiencies, we are willing to consider the S-5 draft in the hope that the exercise of doing so may simultaneously stimulate and open the way to comprehensive Security Council reform.

In conclusion, Mr. Chairman, we look forward to a constructive exchange of views in the Open Ended Working Group. Without comprehensive Security Council reform, the overall reform of the UN will only be piecemeal, unsatisfactory, and incomplete.

Thank you, Mr. Chairman.

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