



STATEMENT BY MR. VIJAY BAHUGUNA, MEMBER OF PARLIAMENT AND MEMBER OF THE INDIAN DELEGATION, DURING THE JOINT DEBATE ON AGENDA ITEMS 9 – REPORT OF THE SECURITY COUNCIL, AND 111 – EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL AND OTHER RELATED MATTERS AT THE 63RD SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON NOVEMBER 18, 2008



Mr. President,

We welcome the opportunity to participate in this joint debate on Agenda Item 9 – Report of the Security Council and Agenda Item 111 – Equitable Representation on and Increase in the Membership of the Security Council and Other Related Matters. We thank the delegation of Costa Rica for introducing the annual report of the Security Council for the period August 2007 to July 2008.

Mr. President,

My delegation notes that the Report remains a largely statistical compilation of events, a bland listing of meetings and outcome documents. In our view such a report must include an analysis of the issues on the Council's agenda. Pressing issues concerning international peace and security that are before the Council, such as the Middle East, cannot be simply dismissed by noting that despite seven attempts presented by different delegations over 12 months, the Council "was not able to reach the unanimity needed for it to take any action". It also needs to be shared as to why the Council was unable to reach an agreement.

The Report reveals that only half of the formal meetings as well as consultation sessions of the Council were held in open format. This itself is indicative of a need for greater transparency in the Council's functioning. Further, in the context of the listing of resolutions and statements adopted, the Report does not indicate how often non-Council members immediately concerned with any particular issue were consulted. Perhaps the Report does not bring to the larger membership an analytical survey of the activities of this important organ because the Council itself remains insufficiently representative, its working methods remain non-inclusive, and its activities remain extremely opaque.

Mr. President,

Like most others, we remain convinced that the only remedy is a comprehensive reform of the Security Council, involving expansion in its permanent and non-permanent categories. There are a few who argue that an expansion only in the non-permanent category would suffice. This is being unrealistic and has been proved wrong by history. We should not forget that we expanded the Security Council in 1965, with only additional non-permanent members, but the problems with the Council have only exacerbated. Non-permanent members have not been able to implement their ideas, to prevent the encroachment of the Council in areas beyond its competence as per the UN Charter, to improve its decision-making process, to ensure the full compliance with Articles 31 and 32 of the Charter, to enhance the participation of Troop Contributing Countries in decision making, or even to improve access and participation of non-members specially Small States. And this has not been for want of trying by many non-permanent members. Thus electing non-permanent members has failed to ensure the accountability of the Council.

It is self-evident that real change and improvement can come only through inducting new permanent members through the principles of election and subsequent accountability to the wider membership through an appropriate review mechanism while ensuring permanent institutional memory, with new points of view and fresh resources to ensure optimal decision making and its

translation into action. Without expansion of permanent membership the real problems cannot even begin to be addressed nor political culture even begin to be transformed. Attempts to portray an "interim model" as a solution are inherently flawed. Such a model will simply add to numbers without addressing the issues, and in effect would be the worst of both worlds.

Let me reiterate our demand for a reform of the Security Council with the following elements:

- Expansion in both permanent and non-permanent categories.
- Equitable geographical representation.
- Greater representation to the developing countries, including better access for small, island, landlocked and other vulnerable states.
- Adequate representation to the developed countries and those with economies in transition.
- Comprehensive improvement in the working methods.
- Provision for a review mechanism.

In this context, we welcome the unanimous Decision 62/557 adopted by this Assembly on September 15, 2008. This Decision has clearly recognized the futility of further consultations in the Open-Ended Working Group format. It is unambiguous in its decision to commence intergovernmental negotiations in the informal plenary of the GA, based on proposals by Member States, within a defined time limit. Further, the term "so far" used in para (d) of this Decision, which deals with the commencement of intergovernmental negotiations, makes it abundantly clear that the negotiating process is not bound to take into account any further activity in the Open-Ended Working Group after September 15, 2008. In the extremely unlikely scenario of the Working Group coming up with any useful result, these could be considered as inputs in the negotiating process.

In terms of Decision 62/557, there have to be intergovernmental negotiations in the Informal General Assembly Plenary on the basis of the proposals of Member States. The framework is the formal GA Plenary and the modality is the proposals of the Member States. These proposals are well known and are contained in the Resolutions tabled, the statements made and the letters written to the Presidency since at least 2005. If further refinements are to be negotiated, these would be done in the informal GA Plenary, as in any other negotiation. Thus, we reject the proposal presented by Mexico for a schedule of meetings of the Open-Ended Working Group, purportedly to discuss objectives of the reform, nature of the agreement as well as guiding principles, rules, nature, agenda and terms of negotiations. These issues are not relevant for the Working Group, serve only to obstruct and delay the commencement of negotiations, and violate the mandate of Decision 62/557.

At the meeting of the Open-Ended Working Group yesterday, the President of the General Assembly indicated that the informal GA plenary to commence intergovernmental negotiations would probably not be held on November 21, 2008. We are intrigued by this development, especially since commencement of negotiations on that date had been supported by an overwhelming majority of Member States, and was in line with Decision 62/557. Well over two-thirds of Member States who spoke yesterday were skeptical of the future utility of the Open-Ended Working Group. Let me reiterate that vide Decision 62/557, we had all agreed that the commencement of negotiations is not conditional upon the future work of the Open-Ended Working Group. We look forward to the early convening of the informal GA plenary for commencing negotiations in accordance with Decision 62/557.

Thank you, Mr. President.

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