



Partly adapted from extempore remarks

Remarks by Mr. Nirupam Sen, Permanent Representative, During the Inter-governmental Negotiations in Informal GA Plenary on March 5, 2009

Mr. Chairman,

I am taking the floor again to respond to some points made by a leading light of the UFC.

The UFC dilemma between trying to promote regional seats (which exist) and non-regional seats is evident, and cannot be resolved. They keep on stating that permanent members cannot promote regional interests – perhaps this is why the UNSC is composed of permanent national seats and permanent regional seats. However, if regional interests are paramount, then what is the need for non-regional representation? On the other hand, if countries define themselves more by non-regional groupings, why should we insist on promoting regional interests, particularly when most regions do not have common political positions? On the one hand they are proposing regional seats which already exist. All non-permanent members are elected from permanent regional seats. If the issue is that they should be chosen by the region then this is clearly the case when there are clean slates. On the other hand they are proposing dedicated seats for cross regional groupings, such as OIC or Small States (there is no such recognized grouping in the UN and we should really speak of SIDS, LDCs etc. whose aspirations we support). To propose two opposite things at the same time is against logic, common sense and practicality. We cannot proceed with negotiations at all if we move simultaneously in two opposite directions. If the UFC really wants such dedicated seats (and SIDS representatives have just now told us that they object to being used as pawns) then let them propose dedicated seats for SIDS, LDCs, LLDCs, NAM, G-77 and several other groupings and we could then also discuss new permanent members all elected globally. We can then abandon the regional basis for a further expansion. But let us be serious and consistent.

While paying lip service to Africa (like to SIDS) the UFC has been dismissive of African aspirations to equality. UFC has repeatedly been trying to interpret the African demand for permanent representation as rotation/regional seats, despite clear statements by Africa that they do not merely want this. There is always an African country on the Council – thus, there is “permanent representation”. They, correctly,

are not satisfied with this injustice. They want new permanent members from Africa (to be chosen by Africa), and all of UFC efforts cannot square this circle. Similar problems exist with the UFC interpretation of the OIC position, on which I elaborated yesterday.

Another leading UFC member's argument on the legitimacy of the UNSC is divorced from reality. He argued that UNSC's legitimacy is derived from the Charter, which is technically correct. By this logic, how is legitimacy related in any way to the Council being more transparent, democratic and accountable? This assertion clearly demonstrates that there is more to legitimacy than just being approved by the Charter, and this can only be achieved if there is genuine restructuring of its permanent membership. The leading light of the UFC defined legitimacy in terms of accountability which, according to him, means that all members except the P5 must be subject to regular scrutiny through GA elections. This is patently false and misleading – only with new elected permanent members, subject to review, can there be accountability. One cannot confuse elections with accountability: even when there is a clean slate are non-permanent members accountable? To whom? Moreover, the key is accountability of the Council to the GA, and not just accountability of individual countries. If accountability ended at elections, we should have had the most accountable UNSC since we have elections by 2/3rd of the UNSC membership every two years. Especially after the 1965 reform non-permanent members should have ensured this. Have they managed to do so? Is UNSC accountable to the GA?

Regarding criteria for membership, we have always supported any objective criteria. UN Charter defines some criteria. To say that there can be no objective criteria is untenable. We ourselves have said that among criteria by which the performance of new permanent members could be judged is their commitment and success in introducing new working methods (in spite of Resolution 267(III) of 14th April 1949 adopted by the then GA with its radical working methods there has been no improvement in more than half a century). Clearly, without new permanent members there would not be fundamentally new working methods. The leading light of the UFC, however, mentioned criteria such as not having border problems, conflict with neighbours and other countries etc. Firstly, it is the sovereign right of every country to decide what is necessary for its security. Secondly, if these criteria are to be used, several current permanent members would be disqualified. Therefore, let us be serious and practical instead of trying to score debating points.

The distinguished representative of the UFC claimed that there is widespread support for the interim model. Out of 112 countries that took the floor, only 34 could accept such a model and that too if we count both first and second preferences. On the other hand, more than 55 countries expressed a first preference for expansion in both permanent and non-permanent categories; the African representatives who spoke said categorically that they were speaking on behalf of the African Union countries; if one therefore includes the African Union countries who did not take the floor more than 100 countries support expansion in both permanent and non-permanent categories. It seems that the UFC representative's arithmetic is as shaky as his ability to address the real problems.

He said that the G-4 proposal was crafted by Razali and is 15 years old. Incidentally, the G-4 proposal is a substantial development on the original Razali formula. I would like to mention that the interim model of re-electable members was introduced in the League of Nations (shortly before it collapsed) in 1926. It seems to us better to discuss a proposal that is 15 years old than one that is 73 years old.

Mr. Chairman, I would therefore suggest that we move to negotiations on what really enjoys majority support - expansion of permanent and non-permanent categories of membership, together, of course, with the issue of review. We are also prepared to discuss how we can have a dedicated seat for SIDS and LDCs within this framework of reform. We would urge you to prepare a composite text accordingly which can serve as the basis for negotiations.

I thank you, Sir.

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