



Intervention by Ambassador Hardeep Singh Puri,
Permanent Representative during the Informal Plenary Meeting : Exchange 3 of
the Second Round of Negotiations on the Question of Equitable Representation
On And Increase In the Membership of the Security Council and Related Matters
at the 63rd Session of the UN General Assembly on June 22, 2009

Mr. Chairman,

Let me begin by reiterating my delegation's support to your efforts. We urge you to continue to remain steadfast in guiding this process toward real reform.

During my last intervention I had commented on the inevitability of reform, and the futility of arresting the movement of history.

Let me reiterate that attempts to merely make cosmetic changes, limit our efforts to actions that we know will not succeed, or block progress altogether through procedural manoeuvrings, are doomed to fail against the inevitability of a reform that is long overdue.

I urge those that seek to follow this unenlightened path to rise above their own self-interest and insecurities and join the overwhelming majority in the greater good for all of humanity.

Mr. Chairman,

The issue of the veto, including the extension of veto to new permanent members, has come up repeatedly during our deliberations.

As we all know, there is no reference to the veto as such in the Charter. It is only Article 27(3) that stipulates that UNSC decisions require the concurring votes of its permanent members. Separately, Articles 108 and 109(2) mandate ratification by permanent members for any amendment to the Charter to enter into effect.

Thus, once we have new permanent members, the requirement of their concurrence, or their right to veto as is commonly stated, is automatic.

The concept of extension of veto to new permanent members is actually misleading as Article 27(3) [and Articles 108 & 109] would have to be specifically amended if we have to deny the veto to new permanent members.

Our national position has been and remains that veto should be extended to new permanent members. This is predicated on the logical and principled position that there can be no discrimination within the same category of members of the Security Council.

Indeed, we believe that new permanent members should have the same responsibilities and obligations as the current permanent members. This principle is upheld by many other delegations.

However, we recognize that this is not as yet universally accepted. We have also heard concerns voiced by a large majority over the use of the veto.

Such concerns have merit. Any objective analysis of the historical record of the use of the veto will demonstrate that its usage has more often not contributed to the credibility of the Security Council. In fact, in some instances, the use of the veto has manifestly led to the diminution of its credibility.

It was in deference to such concerns that in the G-4 proposal of 2005, we accepted that new permanent members should not exercise the right of veto until the question of the extension of the right of veto to new permanent members had been decided upon through a review.

Some have argued that new permanent members without veto rights will not make any difference to the functioning of the Council, and hence there should be no new permanent members.

This is a disingenuous argument. In fact, the automatic corollary of the argument is that new permanent members must be given the veto right!

I must emphasize that new permanent members, with their institutional memory and permanent presence, is imperative to genuine reform of the UNSC.

Interestingly, the same delegations that feel that permanent members without the veto will make no difference are happy to push the view that non-permanent members, who certainly will not have the veto, and will be there for shorter terms, will be able to deliver real reform!

A large number of delegations have called for a variety of restrictions on the use of the veto. While we could discuss these in detail, we remain skeptical about the feasibility of implementing such restrictions. In fact, the best hope of

implementing such restrictions lies in the force of example that new permanent members, accountable to the general membership through a review process, would bring.

Mr. Chairman

Let me now turn to the issue of the relationship between the UNSC and the UNGA.

Both these bodies are Charter organs of the UN. And it is naturally important that relationships between Charter organs be effective and harmonious, in accordance with Charter provisions.

However, the importance of the relationship between the UNSC and the UNGA goes beyond this.

Article 24(1) of the Charter contributes to making this particular relationship unique, by stipulating that in carrying out the primary responsibility for the maintenance of international peace and security, the UNSC acts on behalf of all Member States.

The composition of the UNSC, where the permanent members exercise a key role in its decision making, also contributes to the singularity of this relationship.

The reporting requirement of the UNSC to the UNGA further highlights the special relationship between these organs. While Article 15.2 mandates the UNGA to receive and consider reports from all other UN organs, a separate and specific Article viz. Article 15.1 requires the UNSC to report to the UNGA, both annually and through special reports. This requirement is underlined in Article Article 24.3.

Nevertheless, it is the concept of acting on behalf of all Members and the key role of the permanent members in reaching a decision in the UNSC that are at the heart of the relationship between the UNSC and the UNGA.

It is therefore imperative that in order to improve and strengthen this relationship, the UNSC must reflect contemporary realities, particularly in its permanent membership. Only then can we address the problems of credibility and legitimacy of the UNSC, and ensure its accountability to the membership at large.

This reflection of contemporary realities is certainly not feasible without an expansion in both the permanent and non-permanent categories, and addressing the under-representation of developing countries.

Your overview, Mr. Chairman, has suggested options to enhance the relationship between the two bodies including through adherence to their respective mandates, enhanced reporting by the UNSC, and regular consultations between the UNSC and the UNGA.

We certainly agree with all these. The UNSC's reporting, in particular, must be improved and made more analytical, instead of merely being a compilation of events as is often the case.

It is also vital that the UNSC adheres to its mandate, instead of trying to re-define 'threats to international peace and security'. Such efforts encroach upon and undermine other principal organs, particularly the UNGA. Desisting from doing so will assist in improving the relationship between these two organs.

Mr. Chairman,

I would add that an improvement in the working methods of the UNSC would also be crucial to enhancing the relationship between the UNSC and other bodies, including the UNGA. For instance, the shortcomings of the Council's reports to the UNGA are reflective of its insufficient representativeness and its non-inclusive working methods.

Let me also stress that since the UNSC acts on behalf of all Member States, the UNGA has a legitimate role in deliberating upon the working methods of the Council.

The options listed in the overview under working methods are all important. Better access for non-members of the UNSC; the need for transparency and consultation; rigorous implementation of Article 31 & 32 on the right of participation of non-members with a special interest in the substantive matter under consideration; and participation of Troop Contributing Countries in decision making of peacekeeping operations are all vital elements in improving the working methods of the UNSC.

In this regard, we are happy that the S-5 Group has submitted an updated set of measures for improving the working methods of the UNSC. These deserve serious and careful consideration.

However, that brings us back to the basic question – how do we ensure that all these worthy proposals to improve the working methods are implemented, instead of being left on paper. Recent experience of efforts to discuss our way into improvements of the working method of the Council have not generated commensurate results.

Exhortation will not produce the change we desire. Nor is it realistic to expect real changes by merely adding more non-permanent members. We tried this more than 40 years ago, and the fact that we are still discussing these issues speaks eloquently of the results, or lack thereof, of that effort.

That we did not succeed is not due to any lack of effort by many non-permanent members. But they were not, and have never been in the core of decision-making of the UNSC, especially with regard to its working methods. And their transient status has never permitted them to ensure real and lasting changes.

It is evident that genuine reform in the working methods cannot be achieved without a comprehensive reform in the membership of the Council, with expansion in both permanent and non-permanent categories. And this is the demand of a clear and overwhelming majority.

Only new permanent members can be truly effective in securing such reform. They will provide the necessary institutional memory to follow through and implement far-reaching changes. They would also be accountable to the wider membership through a review. As mentioned, they will also provide the necessary peer pressure through example.

Mr. Chairman,

We have now had two rounds of negotiations, focusing on all elements of the reform process, individually and together. The overwhelming majority of Member States has unambiguously stated it wants to see real reform, with expansion in both permanent and non-permanent membership.

It is but natural that we should now focus on this option in the next round. While we are ready to discuss all options, we believe that this has already been done many times. Attempts to now focus on proposals that enjoy marginal support are not productive. They will only serve the benefit of those who wish to stand in the way of inevitability of change.

I hope you will take this into account so that the third round of negotiations will be focused and action oriented, concentrating on the proposals that enjoy the maximum support, perhaps through a negotiating text. Detailed discussions should then be conducted on the various possible negotiables under each option.

Thank you.

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