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General Assembly

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Official Records

36th plenary meeting
Friday, 17 October 2003, 3 p.m.
New York

President: The Hon. Julian R. Hunte . . . . . (Saint Lucia)

In the absence of the President, Mr. Da Fonseca (Cape Verde), Vice-President, took the Chair.

The meeting was called to order at 3 p.m.

Scale of assessments for the apportionment of the expenses of the United Nations

Letter dated 16 October 2003 from the Secretary-General to the President of the General Assembly (A/58/440)

The Acting President: Before proceeding to the items for this meeting, I should like to invite the attention of the General Assembly to document A/58/440. It contains a letter from the Secretary-General addressed to the President of the General Assembly, in which he informs the Assembly that 12 Member States are in arrears in the payment of their financial contributions to the United Nations under the terms of Article 19 of the Charter.

I should like to remind delegations that, under Article 19 of the Charter, a Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years.

May I take it that the General Assembly duly takes note of the information contained in document A/58/440?

It was so decided.

Agenda item 56 (*continued*)

Question of equitable representation on and increase in the membership of the Security Council and related matters

Mr. Kilo-Abi (Democratic Republic of the Congo) (*spoke in French)*: With regard to the interaction between agenda item 11 and agenda item 56, my delegation felt that the two items could be taken up together.

Based on that understanding, the delegation of the Democratic Republic of the Congo is grateful to Ambassador John Negroponte, Permanent Representative of the United States of America and current President of the Security Council, for the quality of the presentation of his report, which has received my delegation's full attention. After having carefully studied the report of the Security Council submitted to us, which covers the period from 1 August 2002 to 31 July 2003, my delegation appreciates the sharp increase in the quality of the document, which describes the work tackled by this central organ of the United Nations that is responsible for the maintenance of international peace and security.

My delegation has noted that the concerns of the Security Council include, among others, the situation in the Middle East, the situation in certain European and Asian countries, the Kimberley Process, terrorism and the issue of peace in Africa, especially the

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situation in the Democratic Republic of the Congo, my country. In that connection, I wish to recall that, in commending the Security Council's efforts to restore peace to the Democratic Republic of the Congo, His Excellency the President of the Republic, Major-General Joseph Kabila, explicitly stated the following to the Assembly on 24 September 2003:

> "The Congolese people continue to be grateful to the United Nations system for the assistance that it gave it through the United Nation Mission in the Democratic Republic of the Congo and the Interim Emergency Multinational Force deployed in Bunia and especially for strengthening the peacekeeping mandate of the United Nations Organization Mission in the Democratic Republic of the Congo". (*A/58/PV.10, p. 14*)

To accommodate all of the challenges facing our country, where everything has to be rebuilt in this post-conflict period, the Democratic Republic of the Congo trusts that the international community will help in the transition now under way — the ultimate purpose of which is to organize free, transparent and democratic elections — by establishing a United Nations fund to address the immeasurable damage done to our country by several years of war and an international criminal tribunal for the Democratic Republic of the Congo to prosecute crimes of genocide and crimes against humanity, including rape used as a weapon of war and massive violations of human rights.

The Security Council has also focused on one issue of enormous concern to the entire human race. I refer to terrorism, an evil that gratuitously sows horror and devastation. In the face of this horrendous scourge, our countries must mobilize and put up a common front in order to terrorize the terrorism by stifling it in its innermost refuges. Accordingly, the Democratic Republic of the Congo, pursuant to resolution 1373 (2001), has established a national committee to coordinate the campaign against international terrorism and fully supports the work of the Counter-Terrorism Committee.

The maintenance of international peace and security, the development of friendly relations among States and the achievement of international cooperation are the founding principles of the United Nations. My delegation believes that the fulfilment of this noble mission requires, inter alia, the recognition of the sovereign equality of States, the peaceful settlement of disputes and the non-use or threat of use of force. However, international events have defied and continue to frustrate the purposes and principles of the United Nations.

As we all know, the world situation is currently prey to the accumulation of the most sophisticated nuclear and other weapons; the illicit traffic in small arms and light weapons; the noxious existence of anti-personnel landmines; the retreat of multilateralism on all fronts; the division of our planet into two parts, that of the poor and that of the rich and opulent; and the emergence of transnational crime and blind terrorism.

Faced with this truly alarming situation, my delegation believes that we must devise a plan to reform the system for the maintenance of international peace and security, focusing specifically on strengthening our capacity for collective action and the credibility of the Security Council. This will require, first, a revision of the Council's decision-making process and, secondly, an increase in its membership on the basis of equitable geographical representation, for instance by reserving one non-permanent seat for each of the regional continental groupings. It has been noted in this regard that regional and subregional organizations are increasingly being called on to help in the settlement of local conflicts. Thirdly, the Security Council must reconsider and further strengthen its relationship with the General Assembly. Fourthly, there must be greater cooperation with regional and subregional organizations in the area of preventive diplomacy.

My country supports the Secretary-General's proposal for the establishment of a panel of eminent personalities to make specific suggestions on Security Council reform. It is our ardent hope that such a worthy think tank can arrive at its conclusions as soon as possible. If it is to be dynamic and, above all, useful, the reform should not be directed against any particular State or group of member States. On the contrary, it must help to ensure an overall multilateral structure to which peoples and nations can come for sustenance and renewal.

Mr. Gallegos Chiriboga (Ecuador) (*spoke in Spanish*): I wish to address the main elements in the debate on the issue before us, which I addressed previously when we considered the report of the Secretary-General on the work of the Organization.

Security Council reform has been of concern to Ecuador for a number of years and is an issue on which we have participated in extensive consultations. My delegation has noted that the Security Council should be adapted to meet contemporary challenges, which are exceedingly unlike those that led to its creation after the Second World War more than 50 years ago. The world in which we live is different from that of 1945. Today, problems are not only intergovernmental. We are facing new transnational perils, such as international terrorism, that require vigorous and effective international coordination. We are all in the same boat — the problem belongs to everyone.

The Open-ended Working Group on Security Council reform established 10 years ago has made no significant progress. The initiative of creating that Working Group has allowed us to debate reform and, regrettably, to recognize that there has been no agreement among States, despite the fact that the large majority of leaders have affirmed the need for a more democratic and transparent Security Council. Moreover, the world is calling for a greater understanding of public issues at the global level and the United Nations cannot close its ears.

In this Hall, we have debated the desirability of allowing the Working Group to continue its work, in view of the results achieved to date. We need to ask ourselves why, in spite of the intelligent guidance and efforts of many delegations, fundamental agreement has not been achieved.

The reform of the Security Council cannot be achieved without the political resolve of all those present here. It is through a reform of the entire international system that we will be able to meet the demands of the international community. Reform of the Council has to involve the requisite reform of the United Nations Charter, and only in this way will we find an international structure in which the Organization will meet the needs and expectations of our peoples.

Increasing the number of the members of the Security Council is just a step in the right direction, but it is not in itself enough. We need to find new mechanisms that will make the Security Council more effective in fulfilling its obligation and mandates. At the same time, we need to ensure that the resolutions adopted by the Security Council are implemented by the entire international community.

Reform also has to tackle a new definition of the use of the power and exercise of the veto. Ecuador takes the view that we should not have a power of veto in an Organization based on pluralism and democracy, where all States are equal. When the Organization was created, this was a necessary concession, but it is no longer so. The use of the veto or the threat of its use has led to uses of power that are worrisome, in particular when we encounter what non-permanent members refer to as the “silent veto”. Therefore we need to eliminate the use of the veto.

We, the majority of the countries of the world, are asking that reform be in accordance with the vision of world leaders and that it be carried out with the conviction that we must change the structures of an international architecture that no longer corresponds to the needs and expectations of human beings on this planet.

A few days ago, I expressed my belief that we must bring interests and realities closer together to achieve reform. It is vital that we should try to achieve the consensuses that will guarantee effectiveness in the international system’s pursuit of peace. The initiative of the Secretary-General to set up a panel of eminent persons is extremely positive, but it could, after a year of work, end up in the same situation we are in today, immobilized owing to a lack of agreement among the Members of the General Assembly.

My country and my delegation pledge to cooperate with you, Sir, and to make a dedicated effort to try to devise the structural reform that we feel is essential and is the only way to establish a more democratic and equitable international community.

Mrs. Londoño (Colombia) (*spoke in Spanish*): The question of equitable representation on the Security Council and an increase in its membership and related issues takes us back to the very origins of the Organization, when countries such as Colombia expressed our firm opposition to the adoption of a veto power, since we thought it was anti-democratic.

As the years have passed, the difficulties that have arisen time and again impeding the Security Council from taking the necessary measures to maintain international peace and security have shown us that we are right to oppose the veto. Now, it is increasingly evident that we must find the appropriate mechanisms to achieve an equitable representation on the Security Council.

The world landscape is quite different from that which existed when the San Francisco Charter was adopted. Alliances have been reformulated and many new developing States have come forward to demand, with good reason, representation in the Council proportionate to the current importance of the developing world in the new world landscape.

Colombia takes the view that reform, working methods and the question of the veto constitute a single whole. These are issues that need to be resolved in a comprehensive and simultaneous fashion. Through a clear and express mandate from the General Assembly, the Working Group has the competence to decide on expansion as well as on reform of the working methods of the Security Council. In that working group, Colombia has restated its historical rejection of the use of veto, because we regard it as an anti-democratic and, currently, anachronistic institution. If we cannot get rid of the veto entirely, we believe that its use should be restricted to activities under chapter VII of the United Nations Charter.

We have also proposed that the expansion of the Council should address the principles of equitable geographical distribution and sovereign equality of States. We believe that it is appropriate and, in light of recent events, urgent to increase the number of seats in proportion to the membership. Since, to date, we have not achieved any agreement on expansion in the category of permanent members, we believe that, for now, it is possible to continue only on the question of non-permanent members.

My country is aware of the fact that there are high-level political barriers to accomplishing, in the short or long term, the work entrusted to us, but we must not fail. We must continue to pursue these issues and to make progress, as we have been doing and as has been evidenced. Although the results have not been as impressive as we would have wished, it is a fact that there have been improvements in the working methods of the Council, in particular with respect to its transparency.

Changing the structure of the Security Council means reviewing the whole system enshrined in the United Nations Charter. This was the view of the Working Group, which carried its difficult work with dedication and responsibility under the wise guidance of the most recent Presidents of the General Assembly. We have full confidence in the ability and leadership of the new President of the Assembly to continue this important work.

Colombia reaffirms its readiness to continue trying to make progress in this forum, which it regards as the most appropriate context for such work. We welcome the setting up of the high-level panel of eminent persons by the Secretary-General. We feel that their recommendations will be a valuable contribution to the Working Group’s work and to the whole of the work of the United Nations as it reviews the need for reform and modernization.

Colombia notes that in 1999 the Working Group reached the conclusion that an increase in the membership of the Security Council would necessarily involve consideration of the issue of the veto, the decision-making process, effectiveness and transparency in the Council. For this reason, the approach needs to be comprehensive. Any change in the structure of the Council must take into account its ability to make decisions effectively and with agility. This is one of the essential elements of the effective operation of multilateralism demanded by the global community. The United Nations is called upon to continue to play a central role in this multilateralism.

Mr. Mubarez (Yemen) (*spoke in Arabic*): Perhaps one of the most optimistic matters that the General Assembly is dealing with is the unprecedented importance given to the issue of reform of the Organization. The underlying reason is the urgent need for the United Nations to assume responsibility for eliminating hotbeds of tension around the world, given the failure of the Security Council to deal with those issues relating to international peace and security. Such realities are closely bound up with the work of the Council and lend special importance to this item on our agenda.

Reforming the Security Council is not a new idea. It is a main element in the desired reforms that have been dictated by rapid developments in international relations.

It is hard to imagine that a mechanism designed in 1945 can still be relevant in the twenty-first century without taking into account the new realities and without reforming it. It needs to be updated, hence the need for the Council to review its decision-making process and the need for the Working Group, which was set up by the General Assembly and which has presented a number of proposals now before us.

This year's report of the Secretary-General on the work of the Organization (A/58/1) indicated that the rapid changes in today's world — for example, the war in Iraq — have severely tested the principle of collective security and the resilience of the Organization. The repercussions of the Iraq war underscore the dangers of current divisions between the influential Powers within the Security Council and point to the need for the reforms necessary to guarantee a minimum of global harmony in decision-making. This is needed if the Council is to regain its credibility and if there is to be political and legal force behind its binding decisions.

The decisions of the Security Council and the right of veto have called into question the Council's credibility in general and its decision-making process in particular. In our view, that process is anachronistic. Hence the concern of the Working Group, which has offered a number of recommendations — including the interesting and valuable proposals put forward by the delegation of Malaysia — aimed at improving the Council's working methods. Reform needs to be comprehensive, involving more than the expansion of the membership. The voting process needs also to be addressed, within a specific and practical context.

We have been discussing this for a decade now, and we have failed to reach agreement. We have been receptive to any opinions and proposals that might result in adequate Security Council reform that is acceptable to its members, but such reform must be comprehensive and integrated so that it includes equitable geographical representation, transparency, the principle of the sovereign equality of all nations and democracy in the Council's working methods. We and the rest of the Arab Group have always striven to conform to the provisions of the Charter. These oblige us, in expanding the Council, to ensure equitable geographical representation and to include States that have shown particular interest in and have contributed to international peace and security, such as Japan and Germany.

In conclusion, we believe that the credibility and effectiveness of the Council depend on the extent of reform aimed at improving its transparency and ensuring democracy in its decision-making process. We hope that the major Western members of the Council will shoulder their responsibilities in the area of reform, since those States base themselves on democracy and good governance. At the same time, we must ensure development for all of humanity.

Mr. Hiraj (Pakistan): I am confident that, under the skilful stewardship of Ambassador Hunte, this House will have a fruitful debate on the question of expansion of the Security Council and its working methods. We look forward to working with him in the Open-ended Working Group established for that purpose. Our objective must be the development of a transparent, democratic and effective Security Council that enjoys the support and confidence of the membership of the United Nations.

There is obviously a need to make the Security Council more representative. The membership of the United Nations has increased from 112 in 1963 — when the Council was last expanded — to 191 today. The composition of the Security Council must be expanded, principally to reflect the larger membership of the developing countries of Asia, Africa and Latin America. With few exceptions, those new Members wish to acquire not privileges, but merely representation on the Security Council as non-permanent members.

We have completed 10 years of debate on this very important question. We have heard voices of frustration over the slow progress in the Working Group. The reason for the deadlock in the Working Group is the demand of a few countries to acquire the unequal status of permanent members of the Security Council. The majority of the United Nations would not like to repeat the mistake of 1945, when a few countries decided how the Council should be structured and that the permanent members should enjoy privileges which erode the fundamental principle of sovereign equality. There was no consensus on the issue in 1945; there is even less today.

Unfortunately, there are a few countries which appear to believe that the only yardstick by which progress on Security Council reform — including on expansion — can be measured is the achievement of their ambition to become permanent members of the Council. It is from that perspective alone that they would like to judge the outcome of this whole exercise. Their desire to seek permanent status on the Security Council is not motivated by altruistic or noble sentiments. The United Nations was created on the basis of the sovereign equity of States. In the twenty-first century, the General Assembly cannot be expected

to bestow special privileges on some while denying those privileges to the vast majority of nations. There is no quick fix for the new aspirants — or for those hanging on to their coattails — to find a place in the "executive club". The decade-old debate has also made evident that countries which aspire to permanent-member status do not enjoy support or confidence even in their own regions.

The following points summarize Pakistan's position on expansion of the Security Council. We firmly believe that the objective of reform and expansion of the Security Council should be to promote greater democracy, participation, transparency and accountability in the work of the Council. Pakistan is against any increase in the permanent membership of the Security Council, as that would serve to accommodate the interests of a few countries only and, conversely, would alienate the small and medium-sized countries, which constitute an overwhelming majority in the General Assembly. We strongly advocate an increase in the category of non-permanent membership, only so as to reflect proportionately the increase in the general membership of the United Nations, particularly in the large number of small and medium-sized States.

The deliberations over the past 10 years show clearly that there are unbridgeable differences on the composition and veto issues. Therefore, it is time to consider seriously the alternative proposal of the Non-Aligned Movement that, if there is no agreement on other categories of membership, expansion should take place, for the time being, in the non-permanent category. Many countries outside the Movement also share that view; the Italian proposal submitted last year echoes that position. The Movement's proposal to increase the number of seats in the non-permanent category not only is logical but also proportionately reflects the increase in the general membership of the Organization.

It is also apparent that the majority of Member States desire the elimination of the veto. As the Commission on Global Governance phrased it in its 1995 report, to add more permanent members and give them the veto would be regression, not reform. Apart from Member States, scholars and blue-ribbon commissions have criticized the veto provisions as being inequitable, undemocratic and debilitating to the Council's capacity to fulfil its responsibility for the maintenance of international peace and security.

We also know the history of the veto. It was a device born under coercion when some of the existing permanent members came forward with the quite simple threat of "no veto, no Organization". Despite that threat, the question of the veto still had to be put to the vote, as it did not command a consensus. The vote of 13 June 1945 of 30 in favour, 2 against, 15 abstaining and 3 absent is reflected in the record of the Organization.

The justification for the veto offered at the time was that those who saw themselves as victors of the Second World War should not — at that time or ever in the future — launch actions against any one of their number. The logical conclusion then was that the concept of the veto related to the actionable position of the Charter under Chapter VII only and that a subsequent extension of that extraordinary and exceptional right into areas beyond Chapter VII was an unwarranted license going well beyond the original concept.

The apprehensions of the Member States were soon confirmed when those with the veto power made use of it, not for collective peace and security, but for their own national interests. During the cold war, such use of the veto led to the virtual paralysis of the Security Council. Consequently, some issues — issues that are as old as the United Nations itself — are still awaiting resolution, such as those affecting the people of Palestine and Kashmir.

There have been some positive trends in the area of the working methods of the Security Council under cluster 2 issues. Notable improvements include Arria-formula meetings to enrich the Council's discussions on pressing issues; the Secretary-General's retreats to discuss various thematic issues; the triangular coordination meetings between troop-contributing countries, the Security Council and the Secretariat; open debates on issues affecting Member States; ministerial or summit-level meetings; and briefings by the Security Council President for non-members.

There are still many issues, however, which need transparency, openness and consistency. To this end, the General Assembly can encourage the Security Council to take the following measures. First, the Security Council must evolve a mechanism relating to how the provisions of Chapter VI of the Charter can be fully utilized for the pacific settlement of disputes and for determining the roles which the Security Council,

the Secretary-General and other United Nations bodies could play in resolving disputes and conflicts through peaceful means.

Secondly, the Security Council should prepare a compendium of resolutions, conflicts and disputes with regard to which the Council has been unable to secure implementation, with a view to taking remedial action.

Lastly, both the letter and spirit of rule 48 of the Security Council's provisional rules of procedure calling for Council meetings to be held in public should be adhered to. Closed meetings and informal consultations should be kept to a minimum and should be the exception, as they were meant to be.

Mr. Faaborg-Andersen (Denmark): The issue before us today is of major importance for the future of the United Nations. As the Secretary-General said, we may be at a moment in history no less decisive than 1945 itself, when our Organization was founded.

Denmark agrees with the Secretary-General and all those who in recent weeks have advocated the parallel strengthening of the United Nations and the Security Council. We look forward to receiving the report of the high-level panel with regard to the Security Council. We hope that new inspiration and new ideas will be forthcoming in that report.

We want the United Nations to remain at the core of efforts to tackle old and new security challenges, such as terrorism and weapons of mass destruction. A comprehensive reform effort is needed in order to make the Council more representative.

Additional central questions relate to how we can improve the efficiency of the decision-making processes and ensure compliance with Council resolutions. We would also welcome a strengthening of the division of labour and cooperation with regional and subregional organizations. Over the past 50 years we have been building strong regional institutions with a view to overcoming our divisions and managing our problems.

I would like to make a few comments on the work of the Open-ended Working Group. Denmark regrets that, after 10 years, the Working Group has still has not been able to finalize its work. New impetus is needed if results are to be achieved. A step-by-step approach could be taken, addressing cluster 1 and cluster 2 issues separately. But the issue of the expansion of the permanent and non-permanent membership of the Council and the question of the veto should be addressed as a package. Cluster 1 issues will probably not be resolved in the Working Group and will eventually have to be tackled at the political level.

In his intervention in the general debate just a few weeks ago, the Danish Minister for Foreign Affairs stressed that we, the Member States, must take the lead in reforming and strengthening the Organization. In other words, the ball is in our court.

We must enable the United Nations to take credible, efficient action to meet the challenges of this century and this Millennium. That is our collective responsibility and our collective duty. Progress in reforming the Security Council to better reflect the world of today is essential in this regard.

Mr. Mercado (Philippines): We would have liked to speak at greater length on the two related agenda items — the reform of the Security Council and the report of the Security Council — but in view of the limited time, at our disposal, we refer members to the distributed text of our statement for our views on specific issues addressed by the report of the Council.

Three weeks ago, the Secretary-General set out before us the challenges that confront the United Nations. Some of them bear repeating as we discuss issues relating to the agenda items under consideration. The Secretary-General said that we have come to a fork in the road and that the United Nations finds itself in a situation similar to that of its founding days. He also said that there is an urgent need for the Security Council to regain the confidence and respect of Member States. In this regard, the Security Council needs to address the issue of its composition with great urgency.

Against that backdrop, my delegation would thus urge Member States to seriously consider reaching broad agreement on how to carry Security Council reform forward. Ten years of deliberations should have provided us with the wherewithal for taking bold steps to make the United Nations relevant to the geopolitical realities of the twenty-first century.

The Philippines is committed to promoting agreement on measures aimed at achieving a more open and transparent decision-making process in the Security Council, as well as at finding an acceptable compromise on the expansion of the number of permanent and non-permanent members of the Council.

As we remain far apart on the mode of its expansion, perhaps we should narrow down our options to a consensus denominator. Hopefully, we can arrive at a consensus decision on this important and sensitive issue during the review of the Millennium Declaration in 2005.

The President took the Chair.

On the working methods of the Council, we believe a number of improvements have been made over the past few years with a view to increasing transparency and participation by non-members. Nevertheless, the Council's procedures and the recent positive innovations in its working methods remain provisional and ad hoc in nature. The Council might wish to heed the Secretary-General's suggestion, made last year in his agenda for further change, that the Council consider codifying its recent changes. One way would be for it to adopt its provisional rules of procedure and annex its recent innovations to the rules. We also support more dialogue between the representatives of the Council and the General Assembly's Open-ended Working Group on the Council's working methods and related issues. Those meetings have proved useful and provide a good way for the Council and the General Assembly to have an interactive exchange on a broad range of issues.

As we continue with our exercise on the reform of the Security Council, we should acknowledge that the Open-ended Working Group has had some influence in initiating reform in the working methods of the Council, including the holding of more open meetings and regular briefings and improved arrangements for consultations with troop-contributing countries. We therefore believe that the Open-ended Working Group should focus on the main outstanding issues of expansion, while preserving the tentative agreements reached on cluster 2 issues relating to the Council's working methods.

My delegation is prepared to support all efforts aimed at reaching a comprehensive package agreement consisting of measures relating to the expansion of the Council's membership and to enhancing the transparency of the Council's working methods.

On the report of the Security Council, the General Assembly, which is the only United Nations organ that receives reports from the other principal organs, including the Security Council, must effectively take the opportunity each session to comment on and assess the Security Council's work and decisions during the period covered by its annual report.

It might also be useful for the Council to consider submitting, from time to time each year, special reports, as referred to in Article 15 of the Charter, so as to keep the General Assembly abreast of the Council's work. For example, the period covered by the present report ends on 31 July 2003. Given the major developments on issues of which the Council is seized, a supplemental special report from, say, 1 August to 1 October also would have been useful.

We are pleased to note from the report that the year under review was marked by significant events, highlighted by, among others, the Council's timely actions to stabilize security conditions and improve the humanitarian situation in conflict situations, particularly in Africa, such as the deployment of an Interim Emergency Multinational Force in Bunia and an Economic Community of West African States (ECOWAS) vanguard force in Liberia. Separate Security Council missions to Central Africa and to West Africa, respectively, benefited from firsthand observations of the actual political and security conditions in those areas.

Immediate responses aimed at providing humanitarian relief to the people of Iraq after the military action against Iraq were provided by the Council through resolutions 1472 (2003), 1476 (2003) and 1483 (2003). My delegation wishes to acknowledge the unanimous adoption yesterday of resolution 1511 (2003) on Iraq, which is not contained in the report, as yet another determined effort on the part of the Council to preserve its unity.

We find the thematic debates of the Council very useful, and they should be continued. Nevertheless, we believe that they also aim at some action-oriented objective over a medium-term period. Thematic debates of the Council could also be synchronized with debates on the same issues in the General Assembly for the purpose of linking decisions or appropriate policy action by the Council and by the General Assembly on those issues. Interaction between the two organs, taking into account their respective mandates, on such issues, should be explored.

My delegation continues to look forward to a more substantive consideration of the report of the Council by the General Assembly, not necessarily of the whole report, but at least of certain issues

addressed in it. In this regard, it is suggested that specific issues be identified by the President for more intensive discussion, taking into account Article 12, in a more informal format, such as informal consultations or round tables. Such discussions should aim at reaching a specific outcome such as a decision, a Chairman's summary or simply an aide-mémoire of the discussion. Such an approach would, in our view, be in line with the intent of the earlier resolution on the revitalization of the General Assembly. The issues selected could be country-specific or could be one of the thematic matters considered by the Council.

If there is consensus on this approach, more time should be accorded for considering this agenda item than is presently given.

Finally, my delegation wishes to reiterate the following principles which we believe should guide Security Council actions in the pursuit of its primary responsibility for the maintenance of international peace and stability, as enunciated a few weeks ago by my President before this Assembly, which are the following.

First, the principle of collective security established under the United Nations Charter should be observed. Secondly, the Security Council should maintain and pursue a multilateral approach towards the performance of its primary role. Thirdly, observance of the rule of law is of paramount importance in the maintenance of international peace and security.

Sir Emyr Jones Parry (United Kingdom): The United Kingdom welcomes and supports the proposal made by the Secretary-General in his speech to the General Assembly on 23 September to set up a panel of eminent personalities to look at the current challenges to peace and security, the contribution of collective action to addressing them, the functioning of the major organs of the United Nations, and how the United Nations may be strengthened by the reform of its institutions and processes.

The Security Council has primary responsibility for the maintenance of international peace and security. Clearly, consideration of how the Council might be adapted to meet those challenges better should be part of the panel's mandate.

Permanent membership of the Council carries obligations both in the Council and to the wider constituency of non-Council Member States. Throughout the United Nations system, the United Kingdom works to fulfil those obligations. Moreover, we believe that the Security Council as a whole must seek to draw strength from the underpinning support of the General Assembly as a whole.

The United Kingdom believes that we should be acting to improve the transparency, accessibility and accountability of the Council to the wider membership.

On each of these matters — transparency, accessibility and accountability — the United Kingdom has contributed to the functioning of the Security Council. We have sought to build constructive, collaborative relationships between the Council and other parts of the United Nations system, including the General Assembly, the Economic and Social Council and the Secretariat. It is important that there should be close cooperation on country issues and on generic areas such as the role of women in peace and security, the importance of justice and the rule of law, and other such examples.

We should all be looking for further pragmatic and easily implementable ideas that can both improve the quality and effectiveness of the Council's work and that are useful to the wider membership of the United Nations as well.

But beyond improvements to the way the Council operates, the United Kingdom believes that an enlargement of the Council is overdue if it is to become more representative of the modern world. We therefore support enlargement in both the permanent and non-permanent membership. We have long supported permanent membership for Germany and for Japan; we regard India and Brazil as obvious candidates from Asia and Latin America; and we support permanent representation from Africa.

We want to see more progress on Security Council reform, and soon. The United Kingdom is ready to work with other Member States to achieve this reform. We believe core objectives are shared among many of us. But if we are to achieve progress, regional groups must either come to conclusions or relinquish their stranglehold on progress.

The Council is part of a wider system — a structure that encompasses bodies such as the General Assembly, the Economic and Social Council, the agencies and the Secretariat. For the United Kingdom,

reform of the Council should be only one part of a wide-ranging programme to enhance the effectiveness of the United Nations as a whole. We are very keen, therefore, to engage in the processes now under way of revitalizing and reinvigorating the Assembly — under your particular and inspiring leadership, Mr. President - and to reform the other bodies, ensuring that the United Nations and its agencies continue to adapt and modernize.

Above all, our policies must be focused on real priorities, on the challenges we face to eradicate hunger, to establish the rule of law globally, to defeat terrorism, to end the proliferation of weapons of mass destruction, and, above all, to demonstrate that multilateralism, embodied most of all in the United Nations, can provide the answers to these and other problems.

It is not least for that reason that we have welcomed the Secretary-General's proposed eminent personalities panel and his call for potentially radical institutional reform.

Mr. Talbot (Guyana): At this late stage in the debate on this item, my words will be few.

First, they are words of appreciation for the efforts of the President of the General Assembly at its fifty-seventh session, Mr. Jan Kavan, to advance the process of Security Council reform. They are also words of appreciation for the Secretary-General for his initiative to set up a panel of eminent persons to look at questions of peace and security and the overall strengthening of the United Nations system.

The leaders of the world resolved at the Millennium Summit to intensify their efforts to achieve a comprehensive reform of the Security Council in all its aspects. Today, three years later, their resolve remains to be translated into definitive progress. As many have pointed out, reform of the Security Council is arguably the most difficult decision that this Organization has to face. But without minimizing the complexities involved, it is a decision we cannot escape. For what is the alternative? It is a status quo that can be preserved only at great cost to this Organization. Ultimately, it will be at the cost of what the Secretary-General has described as the great strength of the United Nations — its legitimacy.

The loss of legitimacy will be detrimental to the United Nations and will undermine its effectiveness. The risk of such a loss has grown with a Security Council that at its core remains wedded to the past. With the membership of this Organization expanding over the past half century, the Council has become increasingly less representative and increasingly more inequitable in its composition.

The positions on reform of the Council, including that of my delegation, are well known after 10 years of discussion. My delegation has called for the elimination of the veto or at least its limitation to matters under Chapter VII of the Charter. We have called for expansion in both permanent and non-permanent categories. We have expressed the view that in an expansion of the category of permanent members there should be no distinction with respect to rights and privileges between the current and new permanent members. Relying as we do on this collective system for our own peace and security, Guyana has sought assurance that the new, reformed Council can provide reasonable protection for our sovereignty and territorial integrity as a consideration of paramount importance.

What we consider to be required now is the political determination to move forward, taking due account of all the interests and concerns of Member States. Speaking before this Assembly on 25 September this year, President Bharrat Jagdeo of Guyana stated:

> "It is time that the United Nations Security Council, which has the primary responsibility under the Charter for international peace and security, be made more representative of the wider international community. The Council must be expanded, and the role of developing countries in that body appropriately strengthened. To that end, Guyana is prepared to support the candidacies of Brazil, India and an African country for permanent seats on the Council, as well as a suitable number of non-permanent seats for other developing countries." (*A/58/PV.12, p. 5*)

Tough decisions are required if the Security Council is to be made more representative, democratic, transparent and effective. Guyana is willing to take decisions that will lead us to the early achievement of that goal.

The President: I call on the observer of Palestine.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): At the outset, I should like to condemn the criminal aggression committed three days ago against a group of American citizens on a journey to Gaza, which led to the deaths of three people. The Palestinian leadership and Authority, while condemning such acts categorically, will make every effort to arrest the criminals and bring them to justice. I should also like to extend my condolences to the families of the victims and the United States Administration.

We speak today as the owners of the cause that has, perhaps, been considered more often by the Security Council than any other. We can therefore say that we have a realistic and practical understanding of the Security Council's work and its effectiveness, its working methods and the need for change in its composition.

With regard to its effectiveness, if we use the success of the Council's work in the Middle East and the Palestinian question as a yardstick, we can say that the Council has had none whatsoever. It has failed entirely in discharging its duties in the maintenance of international peace and security. It has failed, first, because of the repeated use of the veto by one of its permanent members; to be precise, 27 vetoes have been exercised against draft resolutions on the Palestinian issue since 1976. The most recent of these came only three days ago on the question of the wall that could end any chance for peace between the Palestinian and Israeli sides.

The Security Council has failed, secondly, because of its inability to follow up on the implementation of its resolutions and to challenge their violation. Not one of the 37 resolutions on the situation in the occupied Palestinian territories has been implemented. Each has been violated in its entirety and with the imposition of long-term, dangerous and illegal changes in the occupied Palestinian territories, including East Jerusalem, despite the adoption of new such resolutions and international law. Effectiveness was lacking in this case, primarily because of the unrestricted use of the veto.

The request to abolish the veto power may be deemed unrealistic, but its undefined and unlimited use cannot continue. If it does continue, the Security Council will not be able to assume its duty under the Charter. The most simple beginning in this respect is an interpretation of paragraph 3 of Article 27 of the Charter, which states that a permanent member that is a party to a dispute should abstain from voting in decisions under Chapter VI of the Charter. The question here is, when is a permanent member considered to be a party to a given dispute? Would the use of the veto a specified number of times be sufficient cause for the application of Article 27? We believe so, because there is no other way to explain the great number of vetoes by the same member on the same issue.

We believe that the issue of the Security Council's working methods is no less important than that of the Council's composition. The situation is, quite frankly, catastrophic. The Council works in quasi-secrecy, most often in closed meetings, while the rest of the United Nations membership and the parties concerned are not even allowed to listen. Moreover, the Council works in an unclear, imprecise and provisional manner owing to the lack of permanent rules of procedure. Naturally, that benefits the large Powers at the expense of the general membership of the United Nations.

With respect to the Council's composition, we agree, of course, with all that has been said about the need to expand both the permanent and non-permanent categories of the Council's membership in order to reflect more faithfully the composition of the United Nations. Our humble opinion in that respect is that the issue of agreement on the expansion of the permanent membership is important and should not be left unresolved. Until it is resolved, agreement on other important and urgent issues will not be reached, including the Council's working methods and limits and restrictions on the veto power.

We commend the position taken by the Secretary-General in his calls for radical change and reform of the Organization and on the need to give priority to the Security Council's reform. We agree with the Secretary-General.

The President: We have heard the last speaker in the debate on this item. One representative has requested to exercise the right of reply. May I remind Members that statements in the exercise of the right of reply are limited to ten minutes for the first intervention and to five minutes for the second intervention and should be made by delegations from their seats.

Mr. Shacham (Israel): The Palestinian Observer just spent a lot of time in his statement blaming others for his failure to advance his goals in the Security Council. He blamed the Security Council's working methods. He blamed a permanent member of the Council that has done more to support the cause of peace than any other State. Indeed, the Palestinian Observer is indignant that the Security Council would not swallow whole the Palestinian portrayal of the conflict as black and white, as victim and villain, rather than as a conflict involving two peoples, each with rights and responsibilities.

Israel is ready and willing to meet its responsibilities and has proven this with concrete action. Yet, we are still looking for a Palestinian partner ready to do the same and, in particular, to fulfil its fundamental responsibility to end terrorism. Every delegate who cares to know, knows the truth fully and understands that the reason the Security Council did not adopt the latest Palestinian draft resolution three days ago was simply because the Palestinian side refused to negotiate a fair and balanced text that would refer not only to Israeli responsibilities but to Palestinian responsibilities as well.

The Palestinian Observer Mission apparently expected the Council to blindly embrace its partisan draft. Yet, when five members, including two permanent members, would not, or could not, submit to this Palestinian diktat, indignant Palestinian outrage was the result. That Security Council members should have the audacity to suggest that the text should include a clear condemnation of terrorism and a call for the fulfilment of Palestinian obligations was just too much of an affront for the Palestinian Observer Mission to bear. The Palestinian Observer remains indignant. Alas, he is incensed. Indeed, what is the relevance of the fact that he considers it unacceptable that a resolution should condemn the murder of innocent civilians by Hamas, Islamic Jihad and the Al-Aqsa Martyrs Brigade and call for their dismantlement? That such counter-terrorist action is clearly required by the United Nations-backed road map and insisted upon by Security Council members is of no consequence to him.

Thus, it is this refusal of the Security Council to swallow whole the warped presentation of the Palestinian Observer Mission that constitutes sufficient cause to call yet again for the convening of the emergency special session of the General Assembly so that we can, yet again, have an opportunity to spend more time listening and considering how everyone but the Palestinian side is responsible for the present predicament and to produce, yet again, another resolution enshrining Palestinian entitlement, while ignoring Palestinian obligations and, yet again, to cast Israel alone as the villain and the Palestinians alone as the victims.

Perhaps the Palestinian Observer should stop for once looking for someone else to blame and stop for once this charade in which lofty rhetoric produces base, distorted resolutions that serve only to mask the fact that the Palestinian leadership refuses to do the one thing that is required of it: to fight terrorism.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): We have just heard an intervention from someone who I am not sure is normal — I am not sure whether he was talking about the issue under consideration by the General Assembly, the issue I spoke on a few moments ago. Maybe this representative has a prepared statement, written previously, that he can deliver anywhere at any time, irrespective of the issue under consideration.

We have submitted some facts and I have not heard any contradiction of these facts. The Security Council has adopted 37 resolutions concerning the situation in the occupied Palestinian territories, including East Jerusalem, that are among 73 resolutions on the different aspects of the question of Palestine. This is in addition to Security Council resolutions regarding other aspects of the Arab-Israeli conflict. None of these resolutions have been heeded by Israel, the occupying Power. An additional fact is that since 1976, a permanent member of the Security Council used the right of veto 27 times on draft resolutions submitted by Palestine. This number does not include other vetoes concerning other aspects of the Arab-Israeli conflict. A third fact is that no other permanent member exercised its right of veto on any of these resolutions. These facts have nothing to do with the political hallucination uttered by the representative of Israel a few moments ago.

The President: The Assembly has thus concluded this stage of its consideration of agenda item 56.

Agenda item 11 (*continued*)

Report of the Security Council (A/58/2)

The President: The Assembly will recall that in opening the debate on item 11, Report of the Security Council, I advised that I would implement the provision contained in paragraph 12 of General Assembly resolution 51/241, whereby "The President of the General Assembly shall assess the debate on this item and consider the need for further consideration of the report of the Security Council". To facilitate this process, this item was presented for separate consideration in the programme of work of the plenary.

Over the course of three meetings, 40 speakers addressed the report of the Security Council. The United States, in its capacity as President of the Security Council for the month of October, provided a succinct presentation of the Council's report. The United States was, however, the only one of the five permanent members of the Council, joined later by another permanent member, to speak in the debate on item 11. Of the ten non-permanent members of the Council, only four presented views on the report in the debate. Members felt it was a pity that so few Security Council members, particularly permanent members, spoke in the debate.

It was suggested that, in order to get more and better information, all fifteen members of the Council should be requested, in adopting the report, to give their views on it. There were divergent views regarding the separation of item 11 from item 56 on reform of the Council, for consideration by the plenary. Among those who specifically addressed this issue, some thought that separate debates on these two priority issues was warranted. However, disappointment was also expressed concerning the return to separate debates.

While a number of speakers focused their remarks specifically on the report of the Council, in the final analysis few spoke strictly or fully on the report. Some combined their remarks on both items 11 and 56, while others, speaking to the report of the Council, made only cursory remarks on that issue and went on to comment more substantially on reform issues. I now wish to turn to the principal points emerging from the debate on item 11.

There were widely divergent views on the quality and usefulness of the Council's report. On the one hand, the report received commendation and support as a comprehensive, yet concise document, evidence of the Council's hard work and productivity, and an invaluable source of reference information and insight into the activities of the Council. The report was also cited as an encouraging sign of the Council's continuing positive response to the demand of Member States that its report should be more analytical, concise and easy to read.

On the other hand, it was also stated that the report reflected neither the depth nor importance of the Council's work; was too descriptive and lengthy and was devoid of elements that would allow an assessment of the work of the Council; lacked clarity; and was characterized by an abundance of information, but little in the way of explanation or analysis. This led some to conclude that the report did not lend itself to the in-depth reflection that it should command.

It was the widely held view that the report of the Council needed to be a document more useful to Member States, one that had greater analytical content and that provided the full accountability to which the Assembly had a legitimate right. It was said that the report should not be confined to what the Council had achieved, but should also address what had worked, and why. In this way, the Assembly would be in a position to evaluate in depth the workings of the Council.

The Security Council's procedure for the preparation of its report was also raised as an issue in the debate. It was considered regrettable, in that regard, that the Council had not observed its practice of previous years of discussing among Security Council members, in open meeting, how each member's views should be reflected in the report during the drafting process. That practice, it was contended, was in the interest of transparency and accountability. The view was also expressed that the Council ought to revert to holding open meetings on its report.

The wider issue of the relationship between the General Assembly and the Security Council was also taken up in the context of the Council's report. A satisfactory relationship between the principal organs was considered to be fundamental to the work of the United Nations. It was contended that the report reconfirmed the rules that regulate the rapport between the General Assembly and the Security Council and provided an important opportunity for the Assembly to examine in depth the activities of the Council and to

identify action that should be taken to achieve the improvements required. The Council's report was also seen as providing a rare opportunity for dialogue between the Assembly and the Council, a dialogue that should not be ritualistic.

Attention was also drawn to Article 15 of the Charter, which both calls for the report of the Council and characterizes its content. In this context, it was emphasized that the Article was meant to provide for more than a merely symbolic or ritualistic act. In that context, it was said that the relationship between the General Assembly and the Security Council left much to be desired and that it might be contended that the concentration of decision-making power within the Security Council has been at the expense of the General Assembly. This need not be so, it was contended, because the Charter sets out how the various organs of the United Nations should reciprocally support one another.

Also on the relationship between the General Assembly and the Security Council, the view was expressed that the President of the General Assembly and the President of the Security Council should consult frequently, particularly during crises. It was also pointed out that the General Assembly still does not receive the special reports envisaged in Article 24, paragraph 3, of the Charter, which calls for "the Security Council ... when necessary [to submit] special reports to the General Assembly for its consideration". If such specific reports were received, it was contended, they would contribute to promoting an active relationship between the General Assembly and the Security Council. They would also provide a basis whereby the General Assembly could formulate recommendations for the Council.

The question was raised of whether the relationship between the General Assembly and the Security Council was clear, especially with reference to whether the Security Council reported to the Assembly and was subordinate to the Assembly.

Nonetheless, there was positive reaction to, and commendation for, a number of procedures of the Council that were considered to be useful and developments in the relationship between the General Assembly and the Council that were considered to be both positive and promising.

Open meetings of the Council received notable support, as did the monthly briefings by the President of the Security Council and the periodic wrap-up meetings to which non-member States were invited. It was suggested that these end-of-month wrap-up meetings could be institutionalized in order to enhance interaction and promote synergy between the work of the Assembly and the work of the Council. It was pointed out, however, that the Council's changing of open meetings to open debates, though welcomed, was often done without adequate notice, leaving non-members unable to take full advantage of the opportunities.

Speakers also commented on the initiatives taken by the Council in respect of States not members of the Council. Providing briefings for non-member States and public discussion of pressing issues that relate to the maintenance of peace and security were cited in that context. In that regard, public discussions were considered to assist the Council in producing more balanced and impartial decisions.

Concern was nevertheless expressed regarding the Council's lack of transparency and its failure to give due attention to the views of the wider membership. The importance of giving all non-members of the Council the opportunity to express their views on issues before the Council and of more systematic consultations with non-member States was emphasized in that context.

It was suggested, however, that where decisions are taken before a debate is held and where non-members are heard after Council members have spoken, the contribution of non-members cannot be really effective. The tendency for decision-making to be concentrated among the permanent members was considered to be an undemocratic process, undermining the legitimacy of Council decisions and the authority of Council action. It was emphasized in that regard that the views of non-members should be taken into account before the Council makes decisions.

Views diverged on the issue of thematic debates in the Security Council. Some supported and commended the debates, which they found to be helpful. It was also argued, however, that thematic debates were an unnecessary addition to the work of the Council, giving rise to increasing concern about duplication and encroachment on subjects that are more appropriately handled by the General Assembly. It was also stated that wrap-up meetings that focused on a

thematic discussion totally unrelated to the Council's activities for that month did not serve their purpose.

Regarding the relationships between the Council and other United Nations bodies and regional organizations, it was asserted that such relationships were of particular importance. Consultations between the Council and regional and subregional institutions were particularly welcomed.

In respect of reporting procedures, it was contended that if the General Assembly wanted clear reporting, it should provide clear criteria. It was suggested that the Assembly's failure to provide such criteria might have accounted for the regression in the quality of the current Security Council report.

Regarding the outcome of the Assembly's consideration of the report of the Security Council, it was proposed that a special meeting of the Council should be held to hear the response of the General Assembly to the report. According to the proposal, this might be done through a statement to be made by the President of the Assembly or, alternatively, through the adoption of a formal document to be presented to the Council.

Having now given the Assembly my assessment of the debate on the report of the Security Council, I wish to revert to resolution 51/241. Its annex states that the President is to hold informal consultations as appropriate following assessment of the debate, to determine if there are recommendations that might be made to the Security Council. I will be consulting informally, including with those delegations that have made specific proposals, to make a determination of any further action that might be taken in respect of the Security Council's report.

May I take it that the General Assembly takes note of the report of the Security Council contained in document A/58/2?

It was so decided.

The President: We have thus concluded this stage of our consideration of agenda item 11.

The meeting rose at 4.40 p.m.