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Held at Headquarters, New York,
on Tuesday, 22 June 1993, at 10 a.m.

President: Mr. HAYES (Ireland)
(Vice-President)

- Tribute to the memory of Hamadi Khouini, Permanent Representative of Tunisia to the United Nations
- Adoption of the agenda and organization of work: request for the inclusion of an additional item by the Secretary-General [8] (continued)
- Report of the Security Council [11]

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In the absence of the President, Mr. Hayes (Ireland), Vice-President, took the Chair.

The meeting was called to order at 10.25 a.m.

TRIBUTE TO THE MEMORY OF HAMADI KHOUINI, PERMANENT REPRESENTATIVE OF TUNISIA TO THE UNITED NATIONS

The PRESIDENT: Before proceeding with the consideration of the items on our agenda for this meeting, I should like to invite the General Assembly to join in a tribute to the memory of the late Permanent Representative of Tunisia to the United Nations, His Excellency Mr. Hamadi Khouini.

Ambassador Khouini had a distinguished career as a respected civil servant and esteemed diplomat. He also served in an exemplary manner as the Chairman of the Special Political Committee of the General Assembly at its forty-seventh session. He will be remembered for the devotion with which he served his country and the cause of the United Nations.

On behalf of the General Assembly, I request the representative of Tunisia to convey our heartfelt condolences to the Government of Tunisia and to the bereaved family.

I now invite members of the Assembly to stand and observe a minute of silence in tribute to the memory of His Excellency Mr. Hamadi Khouini.

The members of the General Assembly observed a minute of silence.

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The PRESIDENT: I now call on the representative of Togo, who will speak on behalf of the Group of African States.

Mr. PENNANEACH (Togo) (interpretation from French): It is barely a week since His Excellency Mr. Hamadi Khouini left us. He was but 50 years old. Even today, it is very difficult for us to admit that our eminent colleague and friend is no longer among us; he was so accustomed to being among us since his appointment as Permanent Representative of Tunisia to the United Nations in January 1992. We are still experiencing emotion and consternation.

We were able to appreciate here the significant roles played by Ambassador Khouini, sometimes as inspirational force, sometimes as coordinator, sometimes as arbitrator in our discussions and negotiations. It was thanks to him that good questions were asked, and it was he who brought satisfactory solutions to our problems.

Because of his unshakeable faith in freedom and progress and because of his deep commitment to human rights, His Excellency Mr. Hamadi Khouini enjoyed the esteem, admiration and respect of all. We know that his outstanding qualities made it possible to achieve happy results in the work of the Special Political Committee, which he chaired during the forty-seventh session of the General Assembly. We remember the competence with which he chaired, last year, the Conference of States Parties to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

We are pleased to recall also the dynamism and intelligence with which he took bold initiatives at the Non-Aligned Summit in Jakarta, and he did so to our complete satisfaction. His premature passing will leave a great void in the heart of the African Group, to which he never ceased to bring messages of wisdom and generosity.

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(Mr. Pennaneach, Togo)

We are honouring today the memory of a man of integrity whose life was an example to us all. Ambassador Khouini passed through our midst like a meteor. Today he is no more, but his memory will nevertheless remain, alive and sparkling, more than ever among us. His presence here, so brief yet so solid, seems to tell us in a unique way that it is neither the length of life nor its rapidity that constitutes the man.

Ambassador Khouini was a man of action, experience and conviction, a sensitive man with lofty aspirations. What counted for him was, above all, his generous relationship with the world.

I still hear, resounding in my memory, in this paraphrase, the warm voice of our dear colleague and friend:

"Those who have died are never gone:
They are in the lightening shadow
They are in the thickening shadow.
The dead are not under the ground:
They are in the soughing trees
They are in the flowing waters
They are in the sleeping waters
They are in the sighing woods
They are in their homes, they are in the crowds.
The dead are not dead."

On behalf of the African Group, allow me to convey to the Tunisian Government, the Tunisian Mission to the United Nations and the Khouini family all our most heartfelt condolences.

The PRESIDENT: I now call on the representative of Cyprus, who will speak on behalf of the Group of Asian States.

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Mr. JACOVIDES (Cyprus): On behalf of the Asian Group of States Members of the United Nations, I wish to extend to the Government and the people of Tunisia and the bereaved family of Ambassador Hamadi Khouini, our most sincere and profound condolences on his untimely demise.

Ambassador Khouini, a dear friend to all and a distinguished colleague, will be sorely missed. In his person Tunisia had an exceptional and very capable diplomat with an active and substantive participation in our common endeavours within this Organization. Most recently, his outstanding stewardship as Chairman of the Special Political Committee ensured the successful conduct of that Committee's work during the current session.

Ambassador Khouini had a distinguished career in public service prior to his most recent appointment as his country's Permanent Representative to the United Nations. From the very early years of his life Ambassador Khouini saw it as his duty to offer himself and his formidable capabilities to the service of his country, be it in its internal affairs - as Governor of a number of districts - or as Ambassador abroad, promoting and defending the interests of not only his beloved homeland of Tunisia but also the whole Maghreb region.

In this working environment of ours, which is quite often hampered by diplomatic trimmings that often tend to blur the essence of our work, Ambassador Khouini's calm and result-oriented approach to all tasks he undertook acted as a catalytic force around which consensus would develop and progress in our common endeavours would be achieved. His work as Vice-Chairman of the Commission on Sustainable Development, Chairman of the Committee established under the International Covenant on Civil and Political Rights and Chairman of the Special Political Committee, to mention but a few of the many activities through which he sought to make a substantive contribution, will always be remembered and very much appreciated.

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(Mr. Jacovides, Cyprus)

With these brief remarks concerning Ambassador Khouini the diplomat and public servant, I would be remiss not to mention Hamadi Khouini the man and person with the many human qualities that so endeared him to all who were fortunate enough to know and associate with him. His untimely passing has not only deprived us of a friend and colleague in the United Nations community and his country of a very capable diplomat, but has also deprived his family of a loving husband and father.

On behalf of the Asian Group of States, allow me to say from the heart to all those closest to him that we join in their prayers and share in their grief.

The PRESIDENT: I now call on the representative of Lithuania, who will speak on behalf of the Group of Eastern European States.

Mr. SIMUTIS (Lithuania): On behalf of the Group of Eastern European States, I convey my sincere condolences to the Tunisisan delegation on the sudden passing of His Excellency Ambassador Hamadi Khouini, Permanent Representative of Tunisia to the United Nations. Allow me also to express our sympathy to the family and friends of Ambassador Khouini and the Government of Tunisia, which has lost an able and gifted representative and spokesman.

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(Mr. Simutis, Lithuania)

Ambassador Khouini had a distinguished diplomatic career not only in the service of his own country but also on behalf of the world community. Of his many contributions to the development of humankind, one of the most significant was surely his participation as Vice-Chairman in the establishment of the Commission on Sustainable Development. Ambassador Khouini was a strong advocate of economic and social rights, particularly for the young.

At this difficult hour, on behalf of the Group of Eastern European States, I salute the memory of His Excellency Mr. Hamadi Khouini.

The PRESIDENT: I call on the representative of Brazil, who will speak on behalf of the Group of Latin American and Caribbean States.

Mr. de ARAUJO CASTRO (Brazil): I have the honour and the sad duty to speak on behalf of the Group of Latin American and Caribbean States to state that the members of our regional Group have learned with a profound sense of sorrow of the passing away of Ambassador Hamadi Khouini, Permanent Representative of Tunisia to the United Nations.

Deeply saddened by this tragic occurence, the Latin American and Caribbean delegations wish to pay a very sincere tribute to his memory. In expressing our feelings of loss and sympathy, we wish to request that the Tunisian delegation convey to his bereaved family and to the Government and the people of Tunisia the condolences of all the members of the Latin American and Caribbean Group.

Ambassador Khouini's untimely death cut short a distinguished career as a diplomat and as a public official who had been entrusted with a number of high-level posts in his country. Here in the United Nations, he was known, well-liked and respected by his colleagues as a man of remarkable skills, a man who very well reflected his region's unique talent for promoting dialogue,

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(Mr. de Araujo Castro, Brazil)

understanding and friendship. Among other achievements, we should recall the skilful and professional manner in which he conducted the work of the Special Political Committee during the present session of the General Assembly.

Ambassador Hamadi Khouini will undoubtedly leave his mark as a man who served his country with vision and who dedicated his tireless efforts towards the goals of peace, justice and prosperity for all nations. In this moment of grief, I would like to express once again the heartfelt sorrow and the solidarity of the members of the Group of Latin American and Caribbean States.

The PRESIDENT: I call on the representative of Liechtenstein, who will speak on behalf of the Group of Western European and Other States.

Mrs. FRITSCHE (Liechtenstein): I have the sad duty to extend, on behalf of the Group of Western European and Other States, our sincere and heartfelt condolences and feelings of sympathy to the Government and the people of Tunisia and to the bereaved family of His Excellency Ambassador Hamadi Khouini, Permanent Representative of Tunisia to the United Nations, who passed away on 15 June. We would furthermore like to express our full solidarity with the delegation of Tunisia at this difficult time.

During his short tenure in New York, Ambassador Khouini undertook manifold activities in various fields. Let me recall his chairmanship of the Special Political Committee during the forty-seventh session of the General Assembly and his vice-chairmanship of the Commission on Sustainable Development, to whose work he made invaluable contributions.

We were all impressed by his knowledge, his outstanding diplomatic skills and his personal kindness. We have lost a remarkable representative of the African continent, a dear colleague and a good friend.

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The PRESIDENT: I now call on the representative of the United States of America, the host country.

Mrs. ALBRIGHT (United States of America): On behalf of the host country, I would like to express the deep regret of my Government over the tragic loss to the United Nations and the world of our esteemed colleague and dear friend, the Permanent Representative of Tunisia, Ambassador Hamadi Khouini. I am sure that we will all sorely miss Ambassador Khouini's warm friendship, wise counsel and unceasing commitment to the international ideals for which this body stands.

Ambassador Khouini represented the highest caliber of diplomat, and we offer our condolences to the Government of Tunisia and the people of Tunisia. We pay a tribute to the dynamic leadership role he played as Chairman of the Special Political Committee and during his tenures as Chairman of the Arab Group and Vice-President of the General Assembly. In Ambassador Khouini's honour, I trust that we will continue our efforts to work together on the issues to which he was so strongly committed, including the protection of the environment and sustainable development.

I should like to extend a personal expression of condolence to Mrs. Khouini and her family. The world shares in their grief at this very difficult time. We wish them courage and strength.

Mr. ARDHAOUI (Tunisia) (interpretation from French): It is with deep emotion that my delegation and I have just heard the various delegations that have spoken in turn to evoke the memory of our departed colleague and to pay a last tribute to Ambassador Hamadi Khouini.

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(Mr. Ardhaoui, Tunisia)

It is said that it is in the difficult moments that one recognizes one's friends. We now see that the friends of the Tunisian delegation have turned out to be all the delegations of the States Members of the United Nations. Indeed, over and above any particular group or set of positions, we have come to see that the United Nations is one big family, a true, tight-knit family. At the Tunisian Mission, we have felt to what extent we belong to that family. During the sad days brought upon on the Tunisian Mission by this ordeal, it has not felt itself alone affected by this painful event.

That is why the Tunisian delegation would like to express here its deepest thanks to all those Missions which, by their close presence, their correspondence, telephone calls and their signing of our memorial book, wished to join us in our grief and to offer us their sympathy and solidarity. What can I add to what has already been said about the person and qualities of Ambassador Hamadi Khouini? I shall simply say just a few words.

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(Mr. Ardhaoui, Tunisia)

The late Hamadi Khouini was among those persons who sincerely believe in the ideals of the United Nations and in the noble task of the United Nations. From his hospital bed he continued to be deeply involved in the agenda for peace, in preventive diplomacy. He was concerned over the situation in Bosnia. He shared the suffering of his brothers in Somalia. When the Tunisian Government decided to send a large contingent to Cambodia to assist in the maintenance of peace, he was happy about that gesture of solidarity by his country with the United Nations.

That, then, was his life. Man is so fragile that he can be suddenly blown away, just as the autumn leaf is blown away by a breeze or by the wind.

AGENDA ITEM 8 (continued)

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK: REQUEST FOR THE INCLUSION OF AN ADDITIONAL ITEM SUBMITTED BY THE SECRETARY-GENERAL (A/47/966)

The PRESIDENT: In his note (A/47/966) the Secretary-General, pursuant to rule 15 of the rules of procedure of the General Assembly, requests that an additional item, entitled "Financing of the United Nations Peace-keeping Force in Cyprus", be placed on the agenda of the forty-seventh session. Owing to the nature of the item, the Secretary-General further requests that the item be allocated to the Fifth Committee.

Unless there is an objection, I shall take it that the General Assembly agrees that, under the circumstances described in the note by the Secretary-General, the provision of rule 40 of the rules of procedure which would require a meeting of the General Committee on the question of the inclusion and allocation of an additional item should be waived.

It was so decided.

The PRESIDENT: May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of its

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(The President)

forty-seventh session an item entitled "Financing of the Peace-keeping Force in Cyprus" and to allocate it to the Fifth Committee?

It was so decided.

The PRESIDENT: The Chairman of the Fifth Committee will be informed of the decision just taken.

AGENDA ITEM 11

REPORT OF THE SECURITY COUNCIL (A/47/2 and Corr.1)

Mr. SENGWE (Zimbabwe): Let me begin by extending my delegation's sincere condolences to the Tunisian delegation at the United Nations, to the Government and the people of Tunisia and to the family of Ambassador Hamadi Khouini on his sad and untimely death. He will be sorely missed within the African Group and the community of the United Nations, where he was such a prominent, active and pleasant personality.

I turn now to the item before the General Assembly.

My delegation welcomes the report of the Security Council to the General Assembly before us in document A/47/2 and Corr.1. At a time when the Security Council is shouldering ever-increasing responsibilities and is meeting almost on a daily basis, it is vital that the Council should underline its accountability to the general membership of the United Nations and keep the latter informed of its activities and functions. That is the reason why the founding fathers of the United Nations made it a provision of the Charter that at every regular session of the General Assembly the Security Council should submit to the Assembly a report on its activities during the preceding year.

We believe that the importance of this accountability to the general membership cannot be overemphasized. We are therefore disturbed at what we consider to be an unacceptable erosion of the important requirement of the Charter for the report before us. We believe that the report of the Security

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(Mr. Sengwe, Zimbabwe)

Council to the General Assembly has been reduced to a sterile compendium of letters and documents that came before the Council in the preceding year and an opaque listing of the decisions that it took - without intimating in any way what really transpired. This cannot by any stretch of the imagination be considered to be accountability.

Increasingly, deliberations of the Security Council have been shrouded in secrecy, and its decisions have been arrived at in closed seclusion. My delegation believes that, in keeping with the principle of accountability and in the interests of transparency, the procedures and practices of the Security Council warrant urgent re-evaluation. We see no reason why, for example, at the beginning of each month the President of the Council should not carry out consultations on the month's agenda and on the organization of work in an informal open-ended meeting with the participation of non-members of the Council. In addition, a mechanism should be found through which the Security Council could be continuously accountable to the general membership. This could be achieved by the publication of a bulletin by the Office of the President of the Security Council which would keep the general membership informed of the Council's discussions and the outcome of its closed informal consultations.

My delegation cannot fail on this occasion to refer to the undemocratic, anachronistic and inequitable character of the Security Council in its present composition. As we have said on previous occasions, the increase in membership in the United Nations in itself warrants an expansion of the Security Council if it is to be genuinely representative of the general membership and if it is to retain any semblance of moral and political authority.

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(Mr. Sengwe, Zimbabwe)

In our achieving this expansion, the principle of equitable geographical representation must be applied to correct the present imbalance. We also believe that in the new international circumstances the permanent membership of the Security Council should reflect the universal nature of our Organization, and that the glaring absence of Africa and Latin America from amongst the permanent members should be urgently corrected.

It would be unfortunate if the Security Council continued to resist change both in its composition and in its procedures and practices, especially now, when new international circumstances permit such change and when all other organs of the United Nations are undergoing change. With the enhanced role that the Security Council is now playing in addressing threats to international peace and security, it is only proper that it should be truly representative of, and accountable to, the entire international community, on whose behalf it purports to act.

Mr. de ARAUJO CASTRO (Brazil): Brazil attaches importance to this annual discussion by the General Assembly of the annual report of the Security Council. The discussion provides all States Members of the United Nations with an opportunity to exchange views on the work of the Council, to register achievements and to point out shortcomings.

Periodic and timely reporting by the Security Council is essential for the General Assembly if it is to exercise its important role in relation to international peace and security. The United Nations system is predicated on the assumption of a certain equilibrium between its principal organs. A balanced relationship between the General Assembly and the Security Council is crucial for the harmonious exercise of their respective responsibilities.

This debate is not important for the General Assembly alone; it is supposed to be important, indeed indispensable, for the Security Council

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(Mr. de Araujo Castro, Brazil)

itself, and for its members. Article 24 of the Charter provides that the Council, in exercising its primary responsibility for international peace and security, acts on behalf of all Member States. The Council is therefore accountable before the entire membership and it must listen very carefully to the various voices we hear among the 183 States that make up our Organization. The more intense, thoughtful and well informed the debate in the General Assembly, the more the Security Council would stand to gain in terms of improving its work and bringing it closer to the aspirations of Member States.

As a member of the Security Council, Brazil has been expressing its views on the various substantive issues relevant to the activities of the Council. I wish to take this opportunity to comment briefly on certain of the procedural and organizational aspects of the work of the Council which, in our view, call for particular attention.

Over the last few years the Security Council has grown in importance. The intensity of its work has accordingly increased. New methods have been developed, often in response to the force of circumstance and seldom to long-term institutional planning. That has created, in many aspects, a new situation both for members and for non-members of the Council.

One of the topics which we feel require particular attention in this new situation is the need for greater openness and transparency in the deliberations of the Security Council - the need to ensure a greater degree of dialogue and consultation between members of the Council and the membership of the United Nations at large.

The Council has to be able to react quickly, responsibly and effectively to situations involving threats to international peace and security. The

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(Mr. de Araujo Castro, Brazil)

important gains achieved in this respect over the last few years should be consolidated, and we should seek to build on the results already achieved to promote even greater effectiveness in the work of the Council.

This new-found effectiveness makes it all the more necessary that States that are not members of the Security Council at a given moment should be enabled to have full access to information on the Council's work. Increased effectiveness, which we all welcome, does not imply disregard for the need for openness and transparency. We see no contradiction between effectiveness and openness.

The authority and legitimacy of decisions taken by the Security Council do not derive from the Council itself; they derive from the support those decisions receive from the entire membership of the United Nations. Openness of debate and transparency in decision-making are essential for that support to be forthcoming.

The increase, in absolute and relative terms, in the number of deliberations undertaken in informal consultation imposes a challenge to the Security Council in terms of its obligation to report to the General Assembly and of the need for Member States to be informed of relevant aspects of decision-making in the Council. Informal consultations are a useful and flexible mechanism which clearly must be preserved. This mechanism allows the Council to make good use of its time and it provides members of the Council with the opportunity to identify areas of agreement and to work together to overcome differences. But, while we do not hesitate to recognize the need to preserve informal consultations as a valuable mechanism, we are also concerned about the need to respect the right of non-members of the Security Council to be kept informed of the Council's activities, which are carried out on their

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(Mr. de Araujo Castro, Brazil)

behalf. We find that this problem has not yet received the consideration it deserves.

That there is a constant and increasing demand for information is obvious from the intense briefing activity to non-members that usually takes place immediately after the conclusion of informal Council consultations, but those briefings are no more than a makeshift solution, falling short of what is necessary in this respect.

I should note that this problem also has important ramifications as regards documents that are submitted to the members of the Security Council in informal consultations, but are not officially distributed and are therefore not issued as documents of the Security Council; it is obviously difficult for non-members to have access to such documents. This problem is most acutely felt in the case of letters exchanged between the President of the Security Council and the Chairmen of subsidiary organs of the Council, the Secretary-General or Member States when such letters are not distributed as official documents.

This difficulty unduly restricts the exercise of accountability the Security Council owes to the entire membership of the Organization and it may affect the continuity of the Council's work. Indeed, as a result of this problem, incoming non-permanent members of the Council are not necessarily aware of all the documents that were considered in informal consultations in previous years, even when their consideration resulted in action by the Security Council. The United Nations should not have to rely on non-institutional channels for transmission of important information and for access to documents. The annual report of the Security Council to the General Assembly could usefully be utilized to improve this situation.

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(Mr. de Araujo Castro, Brazil)

Brazil supports consideration by the Security Council of measures to address these problems, with a view to striking a better balance between the recourse to informal consultations and the right of all Member States to information. We are ready to work in that direction, and we have already presented some concrete suggestions to other members of the Council aimed at permitting the Council better to fulfil its reporting obligations to the entire membership of the Organization. Those suggestions are now to be examined in an informal working group of the Security Council, with a view to identifying possible recommendations that could be adopted in the preparation of the report to be submitted to the General Assembly at its forty-eighth session.

Those are the views my delegation wished to put forward on this occasion. As a member of the Security Council, we will be listening very carefully and very attentively to every delegation intervening in this debate, a debate which can and should be of central importance for the future work of the United Nations.

Mr. KHARRAZI (Islamic Republic of Iran): Let me begin by offering my sincere condolences to the Government of Tunisia and to my colleagues in the Tunisian Mission to the United Nations on the sad occasion of the untimely demise of Ambassador Hamadi Khouini. We share the grief of the Khouini family and pray to Allah for His forgiveness.

The General Assembly is meeting today to consider the annual report of the Security Council to the General Assembly at a time when there is more emphasis than ever before on the role of the United Nations in dealing with various issues threatening international peace and security.

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(Mr. Kharrazi, Islamic Republic of Iran)

My delegation takes note of the report contained in document A/47/2 of 2 June 1993, covering the period from 16 June 1991 to 15 June 1992, a crucial period of assessment of the Security Council's activities with respect to the strengthening of international peace and security. Mindful of the increasingly important role of the United Nations in the maintenance of global peace and security and in the promotion of international cooperation, and bearing in mind the accountability of the principal organs of the United Nations to the General Assembly, we believe that the General Assembly should conduct substantive, in-depth discussions on annual reports of the Security Council as well as those of other principal organs of the United Nations. Having said that, I would like to make some general observations concerning the report before us.

First, we noted with surprise that the report was circulated only after a considerable delay. In accordance with established practice the report should have been circulated prior to the forty-seventh session of the General Assembly. There is a need to stress the point that the Security Council is accountable to the international community, which is represented by the General Assembly. Therefore, if the General Assembly is not provided with the report of the Security Council on time, this may be construed as an obstacle to strengthening of cooperation among principal organs of the United Nations.

Secondly, and more important, it is our conviction that the report of the Security Council should be characterized by a comprehensive and integrated analysis of issues on the agenda and of the approaches by which the Security Council addresses matters of substance. A report marked merely by

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(Mr. Kharrazi, Islamic Republic of Iran)

symbols, resolutions and a chronology of the issues at hand does not meet the expectations of the international community in the new international milieu.

It is not the intention of my delegation to touch upon all the items referred to in the report of the Security Council. However, since one of the issues the Security Council addressed for the first time during this period, namely the situation in Bosnia and Herzegovina, has gravely deteriorated, I deem it necessary to examine briefly the attitude of the Security Council with respect to that issue.

It is evident that the tragedy in the Republic of Bosnia and Herzegovina is characterized by naked Serbian aggression and genocide against the Muslim population of that country. Unfortunately, in spite of the magnitude of Serbian crimes and acts of aggression against a Member State, the Security Council failed to act resolutely to redress the tragic situation. Had the Security Council abandoned its double-standards policy and acted decisively when the Serbs started their aggression, as it did in the case of the invasion of Kuwait, we would not have faced the continuation and legitimization of the abhorrent policy of "ethnic cleansing" and the unfortunate possibility of the dismemberment of a State Member of our Organization.

In order to rectify past mistakes, the Security Council must immediately lift the unjust arms embargo against Bosnia and Herzegovina and take all necessary measures to stop the genocide and reverse Serbian aggression. The Republic of Bosnia and Herzegovina must be allowed to exercise its inherent right to individual and collective self-defence, as recognized in Article 51 of the Charter of the United Nations.

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(Mr. Kharrazi, Islamic Republic of Iran)

In conclusion, I wish to reiterate that the current discussions regarding the revitalization of the work of the General Assembly should be conducted in such a way as to enable the Assembly to review and assess thoroughly the reports of the principal organs of the United Nations system, including the Security Council, and to make recommendations to those organs.

Mr. TELLO (Mexico) (interpretation from Spanish): The General Assembly has before it the report the Security Council must submit each year by the terms of Article 24 of the Charter of the United Nations.

This year the Security Council has met this obligation very late indeed. This is no secondary obligation, as some members of the Council seem to think it is, but a fundamental duty deriving from the principle of representativity. It is no accident that the obligation to submit an annual report is set out in the same Article that states that the Council acts on behalf of all the States Members of the United Nations.

In recent years, the Security Council has taken on singular importance. In addition to its frequent day-to-day meetings, its tasks have become diversified, as Member States turn to it with increasing frequency to find solutions to their conflicts. That is why the international community expects substantive, analytical reports enabling it to understand the reasons behind a given decision. We must not forget that the authority of the 15 members of the Council is delegated by us, the rest of the Member States, which have given Council members a delicate collective responsibility for the maintenance of peace and security.

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(Mr. Tello, Mexico)

Our hopes have been frustrated anew. We are disappointed that, once again, the Council has limited itself to reproducing a compilation of its resolutions, decisions and statements - public documents with which we are all, of course, familiar - without the slightest explanation, evaluation or justification.

My delegation would have hoped that the members of the Council had taken more seriously the task of analysing thoroughly the basis of its actions so that we who have entrusted them with sensitive responsibilities could fully exercise the right to know and examine carefully the motives underlying its important decisions.

On the subject of the current working methods of the Council, it is essential to emphasize the they must be as transparent as possible. There is no doubt that informal consultations favour the free-flowing exchange of opinions, and they should not, therefore, be eliminated as a work mechanism; but practical measures must be taken so that all the Members of the United Nations are informed of the substance of what is dealt with in them.

In this regard, procedural changes have been suggested that would not require any kind of structural, legal or regulatory reform. For example, summaries of what is dealt with in consultations could be prepared for distribution to States Members or inclusion in the documents that serve as the basis for the formal meetings of the Council. Those summaries could also be incorporated in the Council's annual report to the Assembly.

Another mechanism, which was suggested by my delegation in response to the Secretary-General's consultation of Member States on the question of equitable representation on the Security Council and which was published as document A/48/186, was the appointment of a special rapporteur of the Council, who would be charged with providing timely information on its labours.

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(Mr. Tello, Mexico)

Finally, it would be advisable for the Council to submit to the General Assembly, in addition to its annual report, more frequent reports, as is contemplated in the Charter. My delegation considers that it would be appropriate to submit analytical reports on a quarterly basis.

We hope that in the near future, as a result of these observations, we shall be able to study a substantive report that gives, quantitatively and qualitatively, a due accounting of the activities of the Council in the maintenance of international peace and security. Only in that way will the States Members of the United Nations be able to analyse, assess and take stands on issues in the General Assembly in accordance with the terms set out in the Charter, thereby enriching the communication and collaboration that should exist between the two organs.

Mr. HIDALGO BASULTO (Cuba) (interpretation from Spanish): At last, in this resumed forty-seventh session, we have the opportunity to consider what has been entitled the report of the Security Council to the General Assembly. It is not idle to recall that even though we are discussing it today - 22 June 1993 - the report covers the period from 16 June 1991 to 15 June 1992. Thus, we are now considering a so-called report - though we would do better to call it a mere list - of events that took place perhaps as long as two years ago and most recently a little over one year ago.

All of this might lead an unsuspecting observer to suppose that the General Assembly is just considering a report from a susidiary body of minor importance whose activities are of interest to but a few delegations, and not the report of the body that, by force of circumstance in some cases and by the effort, grace and will of some of its members in others, has become, over the course of recent years, the most active body of this Organization, the body whose activities interest and affect the greatest number of delegations.

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(Mr. Hidalgo Basulto, Cuba)

My delegation has stated at previous sessions of the General Assembly - and it reiterates today - that this item has been included on the agenda of the General Assembly neither by chance nor to satisfy the curiosity of some delegation or group of delegations. This agenda item exists as a result of the very provisions of the Charter. Article 15 requests unequivocally that this information be provided annually, because - it could not be any clearer - as stipulated in Article 24 of the Charter, the powers of the Security Council are conferred upon it by the Members of the United Nations - which is to say, the General Assembly - on whose behalf it acts. In other words, when the General Assembly studies this report, it is not - or should not be - merely taking cognizance of questions that arouse great interest and are matters of priority for the international community as a whole, but is, rather, fulfilling the responsibilities conferred upon it by the Charter of the United Nations.

The item demands certain inescapable comments. Of course we would have preferred to make these comments before the distinguished Permanent Representatives of the five permanent members of the Council and the President of the Council himself, who have, alas, been unable to join us this morning. We hope their significant absence will not prevent our analysis today from at least coming to the attention of those to whom falls the main responsibility for what we are discussing here.

The first of these comments is associated, inevitably, with the very content of the report. In its present form, it could be useful as a reference for libraries or document archives, but it is highly doubtful that it would be equally useful for the delegations of States that, in accordance with the Charter, must evaluate the actions that the Security Council is taking in our name and based on the powers that we ourselves have conferred upon it.

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(Mr. Hidalgo Basulto, Cuba)

The Cuban delegation is among those that have systematically criticized, from within and without the Security Council, the partial and summary manner in which the Council gives us reports of its work. The report in question contains not the slightest hint of an analysis that might help us to assess what the Council has or has not done. This is particularly serious given the practices that have been recently introduced into that organ, which, as everyone knows, are characterized by the closed and secretive nature of almost all the substantive deliberations of its members.

In 1991, essentially when it held the presidency of the Security Council, my delegation made a major effort to promote greater transparency in the Council's activities, including the total reform of the report of that body to the General Assembly and in the manner in which it is presented. We welcome the fact that now, at the initiative of Brazil - as that delegation has been kind enough to tell us - work is again under way to initiate a new approach to the Council's report. We hope that this initiative will be successful and lead to the General Assembly's taking an unambiguous and timely stand, using its powers under Article 10 of the Charter, on a discussion of the powers and functions of any body of the Organization, and to its formulating recommendations on such matters to the Members of the United Nations and to the Security Council.

In Cuba's opinion, the report should contain, inter alia and to give just a few typical examples, not only references to the official documents before the Council and to those it has adopted, but also and much more importantly an analytical summary of the discussions that take place within the framework of the so-called informal consultations of the whole. Because of the not very democratic practices that have been introduced, those consultations have

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(Mr. Hidalgo Basulto, Cuba)

become the real debates of the Security Council. By the same token, the report should duly reflect the oral reports frequently made by high officials of the Secretariat to the Council, and should contain the text of letters exchanged by the President of the Council and the Secretary-General when such letters are not issued as official documents of the United Nations. The report should further reflect the records of the subsidiary bodies of the Security Council, which are also of great interest to the States Members of the Organization.

At the same time, the report should have a much more functional structure encompassing, respectively, such predictable matters as the periodic renewal of peace-keeping operations; substantive matters brought forward from earlier years; new items that have arisen during the period under review as subjects of discussion by the Council; and administrative and functional matters which, because of their potential importance, should also be included in a document of the kind we are now considering, if we wish this report to be truly representative of the work of the Security Council. Of course, the foregoing includes not only resolutions adopted by the Council and the discussions of whatever nature that are held by members of the body, but also presidential statements which, as of now, are not even listed in the annexes to this document, although they are used in certain cases as precedents for decisions made by the Council.

In short, nothing of what the Council does or does not do should be kept secret from the Members of the Organization, on whose behalf, I repeat, the Council acts. In the document we are now considering, we cannot fail to point out that there is not one word about the real discussions of the Security Council. In our opinion, that is a virtual violation of the United Nations

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(Mr. Hidalgo Basulto, Cuba)

Charter and its provisions on the responsibility of the Council to keep the General Assembly informed, which actually deprives the latter of its legitim.. powers.

The second matter on which we wish to comment is the time-frame covered by the Security Council's report, which in this instance has been set further back by the lack of punctuality with which it is submitted to the General Assembly, which should be avoided in future reports.

In reality, it would be much more logical for the report of the Security Council to be confined to calendar years. It seems absurd that now, a year and a half after it has left the Council, my delegation, like others, should be considering this list of items, documents and resolutions. It would make more sense for the reports of the Security Council to cover the period from 1 January of the year in question to 31 December of that year, as they could then be considered at the resumed sessions of the General Assembly, as is being done this year.

The fact that the report is being presented now and not at the end of the year, as planned, should also be a matter of deep concern. This is just further proof of the disregard of some members of the Security Council for the views of most of the Members of this Organization. I believe that, to some extent, we ourselves are guilty of this attitude, because we have not been sufficiently firm in our demand that there be full and complete respect for our rights under the Charter to familiarize ourselves fully with the Council's work and to formulate in a timely manner the recommendations we feel to be appropriate. We hope that in the future there will be a radical change in the manner in which the Security Council reports and that the deadlines and

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(Mr. Hidalgo Basulto, Cuba)

consideration to which we are all committed as Members of this Organization will be respected.

These two matters are closely related to the transparency that many of us would like to see in the work of the Council. In July 1991, something was achieved. At least today, the meetings of the Security Council and the holding of the so-called informal consultations of the whole are usually referred to in the Journal of the United Nations. But one would have to be a mind-reader to know the agendas of these consultations, a veritable psychic to figure out for certain what is being discussed in them, and a magician on the order of Merlin to deduce from the reports the Security Council presents annually to the General Assembly what was the real tone of the work of that organ during the year or to be able to analyse, even summarily, the results of that work, seen from a political point of view and not from that of a librarian. It is enough to recall, for example, that the consultations held in July 1991 on the need for transparency in the work of the Council do not even rate a mention in the report now before us.

Questions related to the report of the Security Council to the General Assembly constitute only one of the matters requiring far-reaching changes in the work of the Council. We believe that, as we are being asked to apply ourselves to the restructuring of our economic and social sectors and as the Secretariat is being radically reformed, the time has now also come to introduce radical changes in operations of that other main organ.

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(Mr. Hidalgo Basulto, Cuba)

At the present time, there is much talk about the revitalization of the General Assembly, and efforts are being made to take action in this respect. What better way could there be to revitalize this body, to ensure that it in fact plays the role assigned to it by the Charter, than to enable it fully to discharge its responsibilities vis-à-vis the Security Council, which, institutionally, is accountable to the Assembly?

We would urge all the Members of the Organization to give serious consideration to this matter. That would be a first step towards the necessary and so frequently demanded reform of the Security Council. If we do not do this, we shall be shirking our responsilities as Members of the Organization. If there is not a substantial modification of the Security Council's machinery for reporting to the General Assembly, if that modification does not meet the aspirations of all the Members of the United Nations, the Assembly must be prepared, sooner rather than later, to formulate the recommendations that are required.

These processes are not alien to the general proposals for democratization and revitalization that a majority of the Member States regard as indispensable to the forging of a new role for the United Nations in today's world.

If the Security Council really wants to set an example - and that should be the case - of democratization and revitalization of the Organization as a whole, then it has an excellent opportunity to do so by, inter alia, changing this report to the General Assembly from a useless sketch or outline into decisive action.

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Mr. JARAMILLO (Colombia) (interpretation from Spanish): We regret the absence from this meeting of many of the representatives to the Security Council, even at the delegation level - and indeed the absence of the President of the Council himself.

Is this not a report of the Security Council to the General Assembly? Who is presenting it? Perhaps we are being sent a message that little importance is attached to the report; perhaps it is an indication of contempt for the report, or, even worse, of the Council's attitude that the General Assembly is not very relevant.

This could have been an ideal opportunity to discuss exhaustively here in the General Assembly everything pertaining to the powers and functions of the principal bodies of the United Nations and thereby to comply with Chapter IV, Article 10, of the Charter of our Organization.

Only through dialogue and communication between the General Assembly and the other bodies can we carry out our activities responsibly. The Charter provides for reports from those bodies to the Assembly, thereby ensuring a balance between and political control over the actions of the various principal organs of the United Nations.

This opportunity today has even greater importance, of course, because what we are discussing is the report of the Security Council. The Council's activities are varied and ongoing, and we must therefore be fully informed of them. But, in addition, this is a turning point in the history of the Organization, in which the Security Council is the chief protagonist.

Over the past few years the Council has helped to create new power relationships, and therefore its activities and its influence presuppose that it will render an account to the universal legislative forum which duly

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represents the collective security system provided for in the Charter of the United Nations. For that reason, interaction between the Security Council and the General Assembly is a matter of fundamental importance. Transparency and communication in regard to the Council's work are basic tools for giving real meaning to the political responsibility the Security Council has vis-à-vis the General Assembly.

We finally have before us document A/47/2 and Corr.1, in which the Security Council presents its report to the General Assembly under Article 15 of the Charter. The last time we met to discuss such a report was in December 1991. Thus, almost 18 months - 18 long months - have passed without any deliberations by this body on the activities and tasks which have been carried out by the Security Council during this period of change and transition and which everyone knows have been numerous and very complex. My delegation hopes, in any event - and we say this most courteously but firmly - that in the future there will be strict compliance with Article 15 of the Charter and that, preferably, this item will be taken up during the regular work of the General Assembly.

I should now like to make a few coments on the form and substance of the report before us.

First, we were very surprised that the Council discussed this report in a closed meeting. We feel that this procedure makes it even more difficult to have the transparency that we have so strongly urged in this Organization. My delegation, like many others, has expressed its dissatisfaction about this.

For Colombia, the report of the Security Council, because of the important responsibilities of that body and because of the amount and increasing complexity of its work, should reflect in a detailed and

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substantive manner the tasks and activities the Council carries out in discharging its functions.

In fact, the document before us has a descriptive character; it is more a list of events than a substantive evaluation. It is more an archival document or a telephone directory than a report. A detailed analysis would facilitate the provision of information within the system.

We are also surprised that the report of the Security Council does not contain an account of the presidential statements by the Council. These presidential statements - although we know that they do not have legal value - are a political document of major importance, especially because they are evidence of the consensus involved in their drafting and adoption. My delegation urges that these statements be included in the annual reports.

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The annual report should also contain a description of how the Security Council's activities have developed in connection with the Committees set up under various sanctions regimes under Chapter VII.

This period in history and the many activities of the Security Council put a special responsibility on the Organization and all Member States. We must therefore strengthen relations between the Security Council and the General Assembly by a substantial increase in the provision of information and in transparency. It is paradoxical that during this very dramatic period of transition in which we now find ourselves, and with a significant increase in the Council's functions, its decisions have become much less open. The situation could be improved by, for example, more frequent reports of the Council to the General Assembly or by the special reports provided for in Articles 15 and 24.

I repeat that the legitimacy of the Security Council's actions is based on the representative character of that body as it carries out its responsibilities, which, in accordance with Article 24, it does on behalf of all the Members of the Organization. If the Council loses its representative nature, it also loses its legitimacy.

My delegation welcomes, with optimism, the new era of international cooperation, which is reflected in the leading role played by the Organization, and particularly by the Security Council, as they perform the difficult task of maintaining international peace and security. On the one hand, we are happy to see collaboration, flexibility and, above all, firm determination, manifested in the adoption of speedy and effective measures. On the other hand, we are concerned about the Council's real capacity to perform its tasks, since they have increased significantly, both

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quantitatively and qualitatively, at times going outside the Council's jurisdiction, and at other times exceeding its ability to respond effectively.

I should like to share with you, Mr. President, and the other members of the Assembly - the few other members present - some points of substance, which we think are helpful in relation to the Council's present and future work and which we hope will be reflected in its practice and in its future annual reports to the General Assembly. I shall first refer to matters pertaining to the principles and provisions of the Charter and then comment on some aspects of the Council's functioning.

I should like first to emphasize the importance of the representative nature of the Council. The delegation of powers ensures its effectiveness. As the Council acts on behalf of all, it is responsible for representing the collective will of all. All of us represented in the General Assembly accept this, and that confers legitimacy on the Council's actions. I therefore stress the importance of Article 24, paragraph 1, and repeat the need for a directly proportional relationship between the Council's actions and the legitimacy of its decisions.

Secondly, I put special emphasis on the Council's competence under the Charter. In accordance with Article 24, the Council has primary responsibility for the maintenance of international peace and security. That presupposes that the Council will not intrude on the jurisdiction of other bodies and at the same time that tasks assigned to other organs, especially the General Assembly, are not excluded. I must stress the importance of Articles 10, 11, 14, 15 and 35 in this connection.

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(Mr. Jaramillo, Colombia)

My delegation is confident that the process of revitalizing the General Assembly will restore this body's functions regarding international peace and security, lead to a better balance with the Security Council in this regard and, above all, improve the present and future carrying out of the tasks recommended in "An Agenda for Peace" in the spheres of preventive diplomacy, peace-keeping and post-conflict peace-building. Of course, revitalizing the General Assembly requires the Council's concurrence and the best possible communication between those bodies as well as strict respect for the limits of their authority.

The tasks of the United Nations in maintaining international peace and security have increased significantly in both quantitative and qualitative terms. There is a widespread view today that the Security Council has gradually expanded its powers in such a way that it is perhaps infringing on the jurisdiction of other bodies in the system. In other words, it has perhaps exceeded its authority, which is obviously contrary to the constitutional mandate laid down in the Charter.

In that regard, my delegation is concerned about the growing abuse of the concept of "threat to the maintenance of international peace and security". Although it can be said that the activity of the Organization strengthens the United Nations, we must be very careful to preserve the Council's credibility by ensuring the legitimacy of its decisions. We are worried about the Council's almost absolute discretion to define which situations are a threat to international peace and security and about the automatic link between various matters and that concept, giving rise, in our view, to the monopolization and absorption in the Council of matters that in principle are

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not within its competence, and at the same time to the marginalization of decision-taking by other organs in the system with specific jurisdiction.

My delegation believes we should begin to study the possiblity of a measure of constitutional control, which would make it possible to determine the legitimacy of actions by United Nations bodies, particularly the Security Council. Although bodies must have sufficient discretion in defining their competence to be able fully to perform their functions, it is hard to see how they can have absolute sovereignty when they were created by treaty and are therefore subject to the charters establishing them. Constitutional control would not only contribute to the development of international law and to perfecting the international system, but would give a stamp of legitimacy to the Council's actions and a greater sense of responsibility to its members in carrying out their functions under the Charter.

I should like to comment briefly on two matters relating to the Council's functioning. The first is informal consultations and the second is excessive and repeated use of Chapter VII.

Informal consultations have become standard, daily practice in the Security Council. Although they can contribute to efficiency and speed and to more openness in national positions, their merits are exaggerated, because such consultations often lack the confidentiality and political sensitivity that were the original reasons for having them.

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It would be desirable in this context for the Security Council to provide greater transparency for the other Members of the Organization. We do not believe that by doing so it would sacrifice its effectiveness in its work. Also, effectiveness cannot continue to be understood as meaning proliferating resolutions and presidential statements in the absence of real political will within the Council to take effective and immediate steps in dealing with extremely serious crises.

Finally, I should like to share with the other members of the Assembly my country's concern at the Council's continually increasing and ever more excessive use of Chapter VII of the Charter in taking its decisions. Chapter VII was conceived as a last resort in dealing with certain situations; it was agreed that only after all the resources provided for in the Charter for solving disputes peacefully had been used up could one turn to punitive alternatives. We believe that the Council must act with greater prudence and caution, and should exercise its responsibilities under Chapter VII if and only if the circumstances are so serious that they require exceptional enforcement action.

We should like, in conclusion, to stress just two matters: firstly, the timeliness and the substantive aspects of the Council's report to the Assembly that allow us to have our annual debate, in which the Council's activities are thoroughly studied; and, secondly, the importance my delegation attaches to General Assembly resolution 47/62, in connection with which my Government is sending in its reply during the course of this week.

We are sure that the Secretary-General's report in this connection will afford an unprecedented opportunity to open up a debate during the next session that will provide us with proposals and initiatives to reform the

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Council and bring about a substantial improvement in the way it operates, probably for 1995. I should like to say here and now that my Government categorically supports extending the membership of the Council on the basis of the principles of equitable geographical distribution and democratization of the decision-making process.

Lastly, I should like to ask you, Mr. President, to inform the President of the Security Council, who is absent, of the comments that have been made here.

Mr. PONCE (Ecuador) (interpretation from Spanish): In 1945, the United Nations, governed by a Charter agreed on by all the peoples of the world came into being with the purpose of saving succeeding generations from the scourge of war, reaffirming faith in fundamental human rights, establishing conditions under which justice based on the norms of law can be firmly established and promoting social progress within a larger concept of freedom. At that time, the wisdom of the founders of the world Organization viewed it as a body that represented the collective will and was composed of responsible, effective and dynamic bodies.

The General Assembly, which is composed of all Members, was set up as the fundamental body in which the voice of each and every Member could be heard with equal validity and influence on all subjects of interest to the Organization. The Security Council had conferred on it primary responsibility for the maintenance of international peace and security, and to this end the Members of the United Nations recognized that it had the power to act on their behalf; this responsibility is clearly set out in paragraph 1 of Article 24.

When the democratic body par excellence conferred this power on the Council, it requested that the Council should report on how it used it and

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gave it the responsibility of submitting to the Assembly annual reports and, when necessary, special reports. This is how the Council reports to the General Assembly on the mandate conferred on it to act on behalf of all Members in matters relating to the maintenance of international peace and security. Also, amongst the functions and powers of the General Assembly is that of receiving and considering the annual and special reports from the Security Council, which:

"... shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security". This is stated in Article 15 of the Charter; as a result, we are now meeting to enable the Council to discharge its responsibilities to those who gave it its mandate and on whose behalf it acts, and to enable the Assembly to carry out its responsibilities by receiving and considering the Council's annual report. This is therefore one of the circumstances that should normally be considered as being of utmost importance, and must now be considered as such more than ever.

Indeed, the changes that have taken place in international politics in the last few years have been particularly important and will continue to determine not only the future of our Organization but also, and even more so, the future of relations between States and human communities. These changes are so obvious and have been subjected to so many and so thorough analyses that I shall not spend time analysing them myself, even briefly. We all recognize them and know what they are.

In this new international climate, the actions of the Security Council have been particularly significant. Discharging its fundamental responsibility for dealing with matters affecting the maintenance of

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international peace and security has prompted the Council to consider and take decisions on the most complex and pressing problems in United Nations history. For examples we need only recall the Council's actions in respect of the invasion of Kuwait by Iraq; its decisions taken basically for humanitarian reasons on Iraq, Somalia and Yugoslavia; its contributions aimed at solving the crises in Angola, Cambodia and Mozambique; and the measures it took on Libya; we need only recall what the Council has done and is doing to help solve the heart-rending problem of Bosnia and Herzegovina.

We would be completely justified in saying that today, more than ever, the report of the Security Council to the General Assembly must be accorded a degree of importance in keeping with the seriousness and pressing nature of the subjects the Council considers. In this regard, I should like, as other delegations have already done, to make a first and inevitable criticism of the report: we are considering it in June 1993, in other words, a full year after the end of the period covered by the report, which is from 16 June 1991 to 15 June 1992.

This long and regrettable delay cannot be explained, moreover, by any complexities that there might be involved in preparing a report on difficult and serious subjects. Rather, it would seem to be explained by the fact that the Council's report is not considered important enough to warrant submitting it in better time. I think there is much to be said for this latter explanation: indeed, the report as currently conceived could have been considered in July last year, or now, or even later, because studying what is in it is neither important nor useful for the Assembly in coming to a decision on it. Of course, there is indeed a formal violation of the provision of the

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Charter that requires the Council to submit annual reports and that obviously implies that those reports should be timely and regular.

We request, firmly, that this provision be respected, and that in the next few weeks we should have submitted to us a report covering the period from June 1992 to June 1993 that incorporates the changes that have been suggested so eloquently and with such good legal foundation by all delegations that have taken part in this debate so far.

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(Mr. Ponce, Ecuador)

My second observation, to which I have already alluded, concerns the content of the report. It seems inappropriate that the Council's report to the General Assembly should be limited to a list of documents already circulated. To be sure, such a report is useful as a listing indexed by the items considered by the Council, but it is not a true report that would help the Assembly understand the circumstances under which the Council acted, the reasoning behind that action, what alternatives were considered, and the principles and objectives on the basis of which the Council adopted its decisions.

We think it is time for in-depth thought on the structure of the Council's reports to those who issue its mandate: the full membership of the United Nations.

This, of course, relates to transparency in the work of the Council and to the democratization of information on its activities. It was our honour to serve as a non-permanent member of the Council in 1991 and 1992; we firmly believe that informal consultations - the fundamental machinery for the adoption of Council decisions - have their raison d'être and that it would be hard to replace them with another working method. But we do not see why the substance of these informal consultations cannot be summarized in the report of the Security Council to the General Assembly.

The wish for privacy in informal consultations can, and on occasion does, weaken the right any Member State under Article 31 of the Charter to participate in the discussion of any question brought before the Security Council whenever that Member considers that its interests are specially affected. Indeed, Article 32 states that a State that is not a member of the Security Council or even a Member of the United Nations can be invited to

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participate, without vote, in discussions relating to a dispute to which it is a party.

This would seem to suggest that the Council's informal consultations should not be viewed as a way to exclude countries not members of the Council from participation in the discussion of specific items. We believe that as the importance of the Council's work increases, its decisions will meet with greater success when they more clearly reflect the thinking of the full membership of the United Nations. One way to promote this is to give the Council's report to the General Assembly a substantive nature differing from that of the present report and to submit it in a timely manner.

For several years the same views have been put forward whenever the Assembly considers the report of the Council. We think the time has come for the Council and the Assembly to consider this matter in depth and to take corrective action to help the Council better to carry out its work and better to report to the full membership. It would also help the General Assembly to contribute its opinions and analysis, and help the Council discharge its primary responsibility for the maintenance of international peace and security.

Mr. HADID (Algeria) (interpretation from French): I wish to begin with an expression of my delegation's deep sadness at the untimely death of Ambassador Hamadi Khouini, Permanent Representative of Tunisia to the United Nations. In Ambassador Khouini the Maghreb has lost a tireless, passionate fighter and a sincere, eloquent spokesman. We shall never forget his active and constructive contribution to furthering the causes of the Arab world and the third world and to the ideals of the United Nations. On this occasion, I assure the Tunisian delegation of my delegation's complete solidarity and sympathy. We are sure that our Tunisian brothers will find the moral strength

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to overcome this loss and will continue as in the past to assume their place in the United Nations community.

As we consider the report of the Security Council, the Algerian delegation would like to share some brief thoughts on the timing of this exercise and on its very purpose.

First, as to the timing, my delegation joins other speakers in wondering about the reasons for the great delay in publishing the report of the Security Council. Today, 22 June 1993, we are considering the Council's report on the period 16 June 1991 to 15 June 1992. The Assembly is thus expected to take action on decisions the Council adopted in some cases more than two years ago. In a world where change in the international community is accelerating at an unprecedented pace and where events of only a few months ago are ancient history, its seems to us that the timing of this report could have been better.

In the past, delegations have quite rightly noted the gap between December, the time the Assembly generally takes up the report, and the period covered by the report, which ends on 15 June. In that connection, it has been proposed that the report should cover events closer to the Assembly's consideration of it. It would be useful to consider the possibility of having the reporting period coincide with the calendar year. In our view, this would have the additional advantage of corresponding with the mandate of non-permanent members of the Council, which ends on 31 December.

I wish now to make some substantive observations on agenda item 11, relating to the purpose of our consideration of the report of the Security Council. The introduction to the report rightly notes that

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"The present report is submitted to the General Assembly by the Security Council in accordance with Article 24, paragraph 3, and Article 15, paragraph 1, of the Charter of the United Nations". (A/47/2, p. 17)

To assess the report's conformity with the Council's mandate under the Charter, we should therefore consider it in the light of those provisions. A combined reading of those and other relevant provisions of the Charter enables us precisely to define the political and legal framework within which the report of the Security Council should be submitted and considered. The essence of that general framework can be summarized in the following guiding concepts.

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First, the Security Council's submission of its annual report, and, moreover, its special reports, is a statutory obligation expressly provided for in the Charter. It logically derives, therefore, that it is the Security Council as such that must submit this report. We know that, in practice, it is the Secretariat that drafts the report, which is distributed as a confidential document to the members of the Council. The approval of this document takes place subsequently during a private meeting of the Council that States Members of the Organization cannot attend.

Hence, it would be desirable to reflect on procedures that might instil greater transparency and accountability in the preparation and adoption of the report of the Security Council. In this regard, my delegation has noted with interest a recent suggestion by the Mexican Government that envisages a special rapporteur of the Security Council.

Secondly, the Council's report is submitted to the General Assembly for study and consideration. This presupposes that in its content the report should be an analytical account of the decisions taken by the Security Council. We must note that the present content of the Council's reports falls far short of this goal. The present form of the Council's report, conceived as, at best, a descriptive and recapitulative compilation, will certainly not prompt one to examine, even superficially, the Council's activities.

Thirdly, in conferring on the Security Council the main responsibility for the maintenance of international peace and security, the United Nations Charter states explicitly that in carrying out its duties under this obligation, the Council acts in the name of all the States Members of the Organization. This provision of the Charter can have meaning and scope only if all Member States truly share a sense of participation in the decisions adopted on their behalf by the Council. Most assuredly, therefore, it would

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(Mr. Hadid, Algeria)

be neither illegal nor detrimental to the Council's effectiveness to look for ways and means of ensuring complementarity between the activities of the General Assembly and those of the Security Council, while respecting the attributes of each. Improving the content of the report of the Security Council by presenting the activities of that organ more analytically and providing better information for Members of the United Nations would contribute greatly in that respect.

Moreover, the main responsibility of the Security Council for the maintenance of international peace and security in no way means exclusive responsibility. The General Assembly, under the terms of the Charter itself, is also vested with important responsibility in this area. In its advisory opinion of 20 July 1962, the International Court of Justice confirmed unambiguously this reading of the Charter when it stated:

> "The Charter makes it abundantly clear... that the General Assembly is also to be concerned with international peace and security. Article 14 authorizes the General Assembly to 'recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the purposes and principles of the United Nations.' " (Reports of Judgments, Advisory Opinions and Orders, 1962, p. 163)

Fourthly, over and above the obligation to act on behalf of the States Members of the Organization, the Security Council is bound, under the provisions of Article 24, paragraph 2 of the Charter, to act in keeping with the purposes and principles of the United Nations. Allow me to refer, in this regard, to an extract from the Repertory of Practices followed by the organs

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(Mr. Hadid, Algeria)

of the United Nations, volume I, supplement 3, paragraph 4, wherein it is emphasized that "the functions of the principal organs of the United Nations are expressly linked by the Charter to the purposes and principles of the United Nations", and that "the General Assembly exercises, in this regard, the broadest, most varied and most extensive powers and responsibilities".

Fifthly, the decisions of the Security Council often result in the establishment of peace-keeping operations whose costs are borne by all the States Members of the Organization, while the Charter confers on the General Assembly exclusive responsibility for budgetary matters.

In the light of all these elements, it becomes clear that the decisions the Security Council is called upon to adopt within the framework of its prerogatives give rise to political, legal and financial implications that fall within the responsibilities conferred on the General Assembly by the Charter. It is imperative, therefore, to reflect deeply on the modalities, procedures and mechanisms that could establish permanent and constructive dialogue between the two principal organs: the General Assembly and the Security Council.

The submission and consideration of the report of the Security Council are supposed to respond to this imperative. We must note that the report, in its present form, is far from facilitating the achievement of those goals. Some concrete proposals have been put forward to bridge this gap. It seems to us that the time has come for an overall rethinking of this essential question so that our Organization can function more effectively and democratically. The general dynamic of reform, adaptation and revitalization of the United Nations which has prevailed since the end of the cold war is one of those pivotal stages in history that promote reflection on increasing the effectiveness of our Organization as it faces the many challenges before it.

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(Mr. Hadid, Algeria)

To achieve this goal that is sincerely shared by all States Members of the Organization, by no means do we envisage sterile, metaphysical debates, but rather concrete working methods that would allow us to take speedy decisions. In this regard, a timely proposal was quite recently put forward by the Non-Aligned Group in the context of the consideration of agenda item 31 of the forty-seventh session of the General Assembly, entitled "Revitalization of the work of the General Assembly". This proposal, which is currently under consideration, would create a General Assembly ad hoc working group of the whole that would have the task of studying, in particular, the procedures for submission to the General Assembly of the reports of the other principal organs of the United Nations, including the Security Council. In our view, this initiative deserves support so that the consideration of the report of the Security Council will in the future cease to be a simple formality and will come closer to fulfilling the purpose for which it was conceived by the founding fathers of our Organization.

Mr. BUTLER (Australia): I hope I will be allowed to place on record in this meeting of the General Assembly the sadness of my delegation at the passing away of the Permanent Representative of Tunisia, to whose family we convey our deepest sympathy.

I shall make very briefly five points on the subject of the report of the Security Council to the General Assembly, and I shall try to do so objectively, without rhetoric and in terms consistent with those of the Charter.

My first point is this: the Charter sets up a special relationship between the General Assembly and the Security Council. We believe this relationship can be characterized as one of both mutual responsibility and collaboration.

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(Mr. Butler, Australia)

Secondly, the annual report of the Security Council to the General Assembly should give expression to those principles of mutual responsibility and collaboration. Sadly, on this occasion it does not do so or does so only very minimally. This is because what we have had submitted to us is no more than a compendium, a documentary record of actions. The report is lacking in analytical content and, as others have remarked, it is late. This suggests to my delegation that the fundamental relationship that I have just described has in some ways possibly declined or maybe even to some extent lost its way.

Thirdly, in the United Nations we are clearly in a period of transition. As everyone recognizes, we are moving from where we were for some 40 years - and I shall not seek to describe it - to where we will need to be if we are effectively to meet the challenges of the new circumstances of international relations.

Fourthly, as we make that passage of transition, and indeed when we land where we will need to be in the future, my delegation hopes that we will see a renewed relationship between the Security Council and the General Assembly, one based on responsibility and collaboration and characterized by mutual respect. A sign of having landed in that way would be the submission, in a timely manner, of an annual report of the Security Council which has more use than a mere documentary record. In making this point, my delegation is aware of what is stated in the introduction to the present report, where it is recorded that, in 1974 and 1985, decisions were taken which partly caused the present structure of the report that we now see. I recognize that past record, but the point I am making is that, as we transit to a new United Nations, we might revisit those decisions with respect to the nature and structure of the report of the Security Council to the General Assembly.

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(Mr. Butler, Australia)

My fifth and final point is that, given the expansion of the work of the Council, which may be expected to continue, the need for greater clarity and better knowledge of what the Council has done and why it has done it is also perhaps greater than it was in the past.

Those are my five points and I conclude by recalling that I said I would try to make them objectively - I hope relatively if not absolutely free of rhetoric or argument - and in a way that is consistent with the terms of the Charter. I hope that these remarks have been helpful.

Mr. ELARABY (Egypt): May I be allowed to associate my delegation with those which proceeded me in paying sincere tribute to the memory of the late Ambassador Hamadi Khouini of Tunisia. I was away when I was informed of his untimely death, and it shocked me. His dedication to the cause of peace and his contributions to our work in the United Nations were highly admired and appreciated. He will be greatly missed by us all.

(spoke in Arabic)

May God have mercy on the great soul who has departed and find him a place in Paradise.

(spoke in English)

I should like now to turn to the item under consideration: the report of the Security Council. Let me say at the outset that I raise this question from a legal point of view. Are we, as participants in the forty-seventh session of the General Assembly, entitled to consider a report whose time-frame ends before the beginning of the work of the forty-seventh session? I really have no answer to this question; I merely raise it. I do not think we are, but it is a question that should be considered in the future.

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(Mr. Elaraby, Egypt)

A report of the work of the Security Council should fall in line with the work of the session of the General Assembly. I realize that this is the forty-seventh annual report of the Security Council, but it still covers a period before this session started. I agree with many if not all the points that have been raised by previous speakers. I will therefore be brief; as much as I can, I will avoid repeating everything that has been said.

The way my delegation looks at it, a report of the Security Council should focus on the state, the nature and the related developments of peace and security throughout the world. This should be done in a comprehensive and analytical manner, not, as the Ambassador of Colombia said, in one as descriptive as a telephone directory.

Article 7 of the Charter makes it very clear that there are six principal organs and that there is a certain balance between them. Article 24 very clearly says that the Members of the United Nations confer on the Security Council primary responsibility for the maintenance of international peace and security. When this is read along with the provisions of other Articles, such as Articles 10 and 15 - and I do not wish to repeat everything that has been said - it is clear that there is a supremacy of the General Assembly. It is clear that there is an element of accountability. All organs should report to the General Assembly, which is entitled, according to Article 10, to make recommendations relating to the powers and functions of any organ to the Members of the United Nations or to the Security Council. Thus, the General Assembly should exercise this responsibility.

In the past, the Security Council has failed to carry out its responsibility. In November 1950, the General Assembly adopted a resolution entitled "Uniting for peace" (resolution 377 (V)), which makes it very clear

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(Mr. Elaraby, Egypt)

that, whenever the Security Council is unable to carry out its functions, the General Assembly can look into these matters. However, in order to provide the Assembly with this opportunity, the report of the Security Council should contain matters which the General Assembly can analyse and take action on.

A point has been made, which my delegation would like to support, concerning the question of equitable representation in the Security Council. I will not enter into what might be called the "numbers game" - how many members we should add, and so on - but it is important that the matter be taken up because the Council, as has been said, should be representative. Its legitimacy is anchored in that.

I would like to turn now to a question that has not been raised here but affects the work of the Security Council - namely, its working methods. Let me make this point: The Council has been in existence since 1946 and, up to now, the rules of procedure of the Security Council have been provisional. The Council has not yet finalized the rules of procedure for the conduct of its work. We know that the reason for this is related to the scope of the veto, but I believe - and I should like this to be given consideration - that the time has come for the Security Council to look into this matter again.

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(Mr. Elaraby, Egypt)

My delegation supports another point that has been made, concerning the lack of transparency in the Security Council's work. When the consultation process began, some 20 years ago, many of us here thought that this was the best thing we could have; that, instead of rushing to a vote, members of the Security Council would be able to have an orderly debate on issues and then take decisions. But what has happened is that the debates are being concluded behind closed doors and the membership as a whole is being kept in the dark. It is true, as has been pointed out, that anything that happens behind those closed doors is usually leaked in one way or another. But that is not the manner in which the business of the United Nations should be conducted.

As I said earlier, I do not wish to refer to every point that has been made. But there is one aspect of the Security Council's work that requires close examination - that is, the question of respect for the rule of law. The Security Council is an organ created by the Charter of the United Nations, as has rightly been said. It is a product of a treaty and it should conduct its work within the limits and the scope of that treaty. The Council is not above the law. It cannot make law in the absence of concrete legal considerations and justifications.

Lastly, I wish to support what the Ambassador of Australia said a moment ago. It is true that the introduction to this report states that the report is a guide to the activities of the Security Council; and reference is made to decisions taken in 1974. But I think it is about time to revisit these decisions. In 1974 the Council was not as active as it is today. In 1974 the Council was not as relevant to peace as it is today. It is about time that these matters were looked at again and re-examined.

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Mr. COLLINS (Ireland): I should like to begin by adding my delegation's voice of sympathy to that of the many who have lamented the untimely death of Ambassador Khouini of Tunisia.

We are gathered here today in the General Assembly to consider the report of the Security Council to the General Assembly. The submission of such a report, as has been observed in this room already, is required under the provisions of Article 24, paragraph 3 of the Charter of the United Nations. That paragraph states:

> "The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration."

The requirement to submit a report to the General Assembly for consideration acts in some senses as a counterpart to the main provision of Article 24 - namely, that the Member States

> "confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."

The present report is - if I may be forgiven a colloquialism - a bulky document, and might be said to be a compendium of Security Council action during the reporting period. I have to say that my delegation finds the report useful in that sense. It is beyond dispute that the States Members of the Organization, especially those such as mine that have small numbers of staff, need a reliable document of record in relation to the work of the Security Council. The present report serves that purpose, in my delegation's view.

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(Mr. Collins, Ireland)

On the other hand, my delegation has some sympathy with the views of those delegations that find the report somewhat indigestible - and I choose a word from what I might call the charitable end of the spectrum of commentary. Many delegations have also asked for more assessment and analysis. While that might be and is, in my delegation's view, desirable, it is not such an easy task. I accept that. The result of one person's process of assessment and analysis may be seen by others as a statement of ideology contrary to their own. Nevertheless, I feel strongly that we need more analysis and more assessment. I have no brilliant solution to the dilemma that I think I have diagnosed. Solutions have been suggested in this debate, and my delegation would support many of them.

May I say in that context that there has been an interesting, indeed fascinating, debate on this report this morning. May I say also that there has been an edge to the debate. My delegation considers that edge to be healthy, in the sense that it indicates that people are concerned about the work of the Organization and believe that some of the old ways will not do anymore.

What the report does bring out clearly in its wealth of detail is the enormous burden the Security Council now bears in comparison to a few years ago. The report records a huge increase not only in Security Council meetings, but also in the membership of the United Nations, in resolutions adopted, and in the number and meetings of subsidiary bodies. This raises inevitably the question whether the Security Council's composition and procedures conform to contemporary realities and enable the Council to cope with the huge burdens thrust upon it.

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(Mr. Collins, Ireland)

While I am on the subject of procedures, may I say that, like the delegation of Brazil, my delegation sees no contradiction between effectiveness and openness. Equally, my delegation endorses the views the representative of Brazil expressed in relation to informal consultations, and specifically we agree with the point he made that the membership of the Organization should not have to rely on non-institutional mechanisms to acquire important information.

I should like to raise the point of representativity in relation to the membership of the Security Council. My delegation has set out elsewhere some views on this matter. I do not propose to reiterate those views here today in detail. I should, however, like to state that my delegation is in agreement with what we see as an emerging consensus - namely, that there is a need for Security Council reform, on the grounds of representativity and legitimacy. My delegation has added a third consideration to those two - that is, efficiency. To achieve all three desiderata, and especially to ensure efficiency, we have envisaged some rather modest changes in the composition of the Security Council. In particular, we think such modest changes could be achieved on the following basis.

The growth in membership and the changed world environment require that the Security Council, as well as the other organs of the Organization, should be examined to ensure that it responds in general to the new and enhanced role now required of the United Nations. In particular, there is a strong case for, and an emerging majority view in favour of, an increase in the membership of the Security Council to ensure representativity and legitimacy. Reform will not and need not happen overnight. Nevertheless, the issue of an

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(Mr. Collins, Ireland)

increase in the membership of the Security Council might be looked at in a timeframe ending in 1995, the fiftieth anniversary of the establishment of the United Nations.

Finally, it is important that the Security Council retain its effectiveness, and any increase in membership must take that into consideration. This would imply a relatively limited increase in membership, taking into account, inter alia, political representativity and equitable geographical representation.

The PRESIDENT: We have heard the last speaker in the debate on this item.

May I consider that the General Assembly takes note of the report of the Security Council contained in document A/47/2 and Corr.1?

It was so decided.

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 11?

It was so decided.

The meeting rose at 12.50 p.m.

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