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54th plenary meeting
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New York

President: Mr. D'Escoto Brockmann. . . . . (Nicaragua)

In the absence of the President, Mr. Salgueiro (Portugal), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda items 9 and 111 (*continued*)

Report of the Security Council (A/63/2)

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

Mr. Almansoor (Bahrain) (*spoke in Arabic*): First of all, I would like to congratulate you, Sir, on the way in which you have been steering the work of the General Assembly and the general debate of the Assembly. We also wish to thank Ambassador Jorge Urbina, Permanent Representative of Costa Rica and President of the Security Council for the month of November, for his comprehensive presentation of the annual report of the Security Council, which appears in document A/63/2.

This is a significant opportunity for us to discuss items 9 and 111 of the agenda on the annual report of the Security Council and the question of equitable representation on and increase in the membership of the Security Council and related matters. Those two items enjoy special attention on the part of the States Members of the United Nations, given the link that exists between them. As we noted in earlier years, the annual report of the Security Council provides a comprehensive account of the activities of the Council and the issues that it has discussed throughout the year. It also includes the number of meetings held, whether formal open meetings or consultations, as well as the number of resolutions adopted by the Council.

However, as in earlier years, the report does not analyse the Council's work and the issues on which it has not been able to make progress, such as the Palestinian question. We need to understand the reasons for that failure if we are to find solutions and understand why the Council did not perform as it should have. Undoubtedly, that would be useful for everyone concerned. We need to study those reasons and work together to assist the Council in finding solutions to those matters and other issues on its agenda.

Discussion of the two items also serves to strengthen the relationship between the General Assembly and the Security Council, so that together those two organs can promote and strengthen the values and principles of the United Nations in the best possible way.

At the 2005 World Summit, world leaders recognized the importance of Security Council reform as an essential factor in all current efforts to reform the United Nations. They committed themselves to reforming the Security Council as soon as possible so as to make it more representative, efficient and transparent and enhance its effectiveness and the legitimacy of its resolutions. In order to achieve that goal, world leaders expressed their support for the reforms being undertaken to improve the Security Council's working methods, inter alia through the

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participation of non-member States in debates on matters on the Council's agenda.

In that regard, we need to work together with goodwill, in order to achieve tangible results that will obtain wide support and agreement. We should not forget that Security Council reform is an integral element in enhancing the entire work of the United Nations and its effectiveness in its mission to tackle the current issues and crises. The annual report of the Security Council indicates that there are more issues on its agenda than ever and, notwithstanding the fact that the Council tries to play the important role entrusted to it by the United Nations Charter, the many issues on its agenda subject it to constant pressure in addressing those responsibilities. That has a negative effect on the quality and depth of its discussions and on the decision-making process itself.

Given those circumstances, I believe that we need to be cautious in discussing new topics, particularly those that do not represent a threat to international peace and security. We reaffirm the importance of respecting the competence of United Nations organs, as set out in the Charter. The Security Council should not take up issues that are within the purview of other organs of the United Nations, which would constitute interference in the competence of other organs of this Organization. We should reaffirm the importance of cooperation and coordination among the various United Nations organs, which would enhance our ability to tackle the current challenges. Thus, we should hold regular meetings involving the Presidents of the General Assembly, the Security Council and the Economic and Social Council to examine ways of ensuring their coordination and preventing any encroachment on the competence of other bodies.

Fair representation in the Security Council and the expansion in its membership, as well as other related matters, are a priority for my delegation. There have been attempts to consider those issues, involving the Open-Ended Working Group on Security Council Reform, established by General Assembly resolution 48/26. However, it is plain that those efforts have not yielded any practical results. Therefore, we should work together in a creative and open spirit, in order to reach an agreement satisfactory to everyone and supported by everyone.

Thus, we need to launch consultations that would serve as a basis for later intergovernmental negotiations. According to the draft report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council (A/AC.247/2008/Rev.2), which was introduced by the Vice-President of the General Assembly, there is general agreement that the Security Council membership needs to be adjusted and balanced, because its representation does not reflect the current situation in the world. We equally need to expand the Council and reform its working methods.

The process of reforming the Security Council should be comprehensive, taking into account all related issues. In that context, we support the principle of enlarging the Security Council in keeping with fair and democratic geographical representation, in the permanent and non-permanent categories alike, so as to enable all countries to be represented fairly, which would reflect the current position of the States Members of the Organization. There needs to be a permanent seat for Arab States to be rotated among them, as is done within the League of Arab States.

We should use the provisions of Chapters VI and VIII of the Charter to settle disputes peacefully. Recourse to Chapter VII should not be excessive but should be a last resort after all other, peaceful means have been tried. Recourse to Articles 41 and 42 is often undertaken quickly before available peaceful means have been exhausted.

It is extremely important to limit the use of the veto, and I believe there is a possibility of writing off the right of veto through a positive vote. There are some Member States that feel that the right of veto should be abolished through a two-thirds majority vote of the General Assembly. That is part of the reform of the working methods of the Security Council and would function to make it more open and transparent, given the greater participation of non-member States and in particular States concerned in the issues under consideration.

The Kingdom of Bahrain hopes that Security Council reform will take place in a manner commensurate with the challenges facing us in the modern world. We hope that the enlargement of the Council will serve to guarantee the democratic representation of all Member States, both large and small. We hope that we will be able to reach a middle-ground solution that can be applied so that all States

will see their hopes and aspirations taken into account by the Council.

Mr. Churkin (Russian Federation) (*spoke in Russian*): Each year all United Nations Member States are given an opportunity to debate together the results of the work of the Security Council, as reflected in its annual report, presented today on behalf of the entire Council by its President, Mr. Jorge Urbina, Permanent Representative of Costa Rica. Such a transparent discussion is very important.

In that context, we wish to thank the delegation of Viet Nam, which completed the main task of the preparation and organization of the report. We believe that the report is an overall and objective reflection of the dynamics of the work of the Council over the past year. The very fact that the Council, as in previous years, actively dealt with important contemporary problems shows that the international community, and the Council members themselves, have done justice to the inalterable and unique principle of the legitimacy of Council decisions, which is at the heart of the process of settling problems relating to international peace and security.

We also note that in the year ending, positive developments are continuing in the practice of the working methods of the Council, including more judicious openness in its activities. As can be seen in the statistics in the report, there was more of that compared with last year. In the work of the Council it is essential to maintain a reasonable balance between transparency and effectiveness, with the understanding that the main purpose is to build up the Council's potential to meet its Charter prerogatives to maintain international peace and security.

In that context, Russia, as a permanent member of the Council, advocates increased effectiveness of its work, including by giving the Council a more representative character. However, attempts in that regard must not affect the Council's effectiveness. That is one of the main issues in our approach to the matter of Council reform.

Russia's position in that regard is well known. We favour preserving a compact Council composition and are convinced that it would be counterproductive to bring in ideas that would infringe upon the prerogatives of the Council's current permanent members, including its veto institution.

We also fully support the notion that the formula for Council reform must ensure the broadest possible support by Members of the Organization, at any rate, by more than the legally required two-thirds majority of the votes in the General Assembly. The proposed reform models still do not enjoy predominant support in the United Nations. An attempt to sell those plans by bringing them to a vote would inevitably polarize the General Assembly. Even if one of the drafts did garner the two thirds of the votes required by the Charter, the Council would hardly become more authoritative in the eyes of the minority who disagreed, which would certainly include some influential States. Therefore, the significance of a formally more representative Council would be cancelled out by its diminished prestige in international affairs. That would be unacceptable.

We are prepared to continue the painstaking work to bring together approaches to selecting the optimal model of a future Security Council composition and to look at any reasonable option to enlarge the membership, including the so-called transitional decision, if it is based on the broadest agreement within the United Nations.

Our common task is to lay the foundation for the further strengthening of the authority and potential of the Security Council as the main body in the area of the maintenance of peace and international security. Thus, we all have a large responsibility to ensure that insufficiently thought out steps to reform the Council do not lead to polarization and division in the ranks of Member States and thus, instead of their strengthening, to a weakening of the United Nations and the Security Council, thereby complicating efforts on other reform tracks in the Organization.

In that context, we attach great significance to the preparatory work to agree on the format and the modalities of the upcoming intergovernmental negotiations, which, in the letter and spirit of the General Assembly decision 62/557 of 15 September, we are to complete in the Open-ended Working Group before initiating the talks. At the last meeting of the Open-ended Working Group, a number of delegations suggested developing a road map for its work in the upcoming pre-negotiation period. We believe that idea deserves support.

Our delegation is open to a further constructive exchange of views within the Open-ended Working

Group with all delegations, in the time left, until commencement of intergovernmental negotiations.

Mr. Terzi di Sant'Agata (Italy): I am grateful to the President of the General Assembly for convening this meeting of the General Assembly, which allows us to discuss the critical matter of how to make the Security Council more effective, representative and democratic. As representative of an elected member of the Security Council, I would also like to thank Ambassador Urbina and Ambassador Le Luong Minh and commend them on the annual report presented today (A/63/2). The Council presidency is working for greater openness and transparency, a goal we fully support. That brings me to the great effort done in improving working methods. The Permanent Representative of Costa Rica, in his presentation at the 53rd meeting, stated that we must "further the cause of transparency, access to the Council and accountability".

To this I would add redressing the imbalance between the General Assembly and the Security Council. Areas for improvement include fuller access to the Security Council, better and more regular communications from the Council to the general membership, more thematic debates in the General Assembly, more detailed annual reports to the General Assembly, more frequent and substantial public meetings and a system to prevent overlap and assure transparency in the subsidiary bodies.

As we read in the report presented today, we see, in the Council's daily efforts to address threats to peace and security, growing attention being paid to conflict prevention and mediation, to the protection of civilians in peacekeeping operation mandates and to the issue of protecting human rights as a contribution to security.

I shall now focus my comments on the report of the Open-ended Working Group (A/62/47), looking first at matters of procedure and then at matters of substance.

Together with a significant group of countries, Italy has, for three years now, been a promoter of the Uniting for Consensus idea. We believe that reforms that amend the Charter, alter binding agreements on peace and security and modify or create key United Nations bodies can only become a viable reality if every Member State has ownership. The most important reforms in the history of the United Nations have been approved by consensus or by an overwhelming majority. Let me give the Assembly a few examples: the creation of the Human Rights Council, the Peacebuilding Commission, the United Nations Framework Convention on Climate Change, the Ad Hoc Committee and the Preparatory Committee on the Establishment of an International Criminal Court and the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons.

In short, every major diplomatic initiative to substantially modify existing institutional frameworks has been preceded by general agreements to convene preparatory groups, on the clear understanding that all relevant decisions would be taken by consensus. So how can we possibly imagine restructuring the Security Council — the supreme body charged with safeguarding international peace and security — in such a way as to have it remain at the service of a mere handful of Member States?

At the beginning of the current session of the General Assembly, the Security Council reform process entered a new phase with the adoption of decision 62/557 of 15 September 2008, which established aims, a procedure and a sequence. The task of the Open-ended Working Group at this juncture is clear, namely, to immediately address the framework and the modalities so as to prepare and facilitate the intergovernmental negotiations in the informal session of the General Assembly. But those negotiations have to be prepared urgently in the Open-ended Working Group, which needs to map out clear rules and procedures so as to guarantee a fair and level playing field. That will, in turn, guarantee objective and impartial intergovernmental negotiations that are characterized by openness, inclusiveness and transparency. What we propose, in short, is a democratic platform to reach a democratic result.

Turning now to matters of substance, the report of the Open-ended Working Group and its annexes provide a wide variety of perspectives on the exercise. In the annexes, there is a constant refrain on the need to consider the regional dimension in Security Council reform, such as in the letters addressed by the Organization of the Islamic Conference (OIC), the Arab Group and the facilitators' report. The Security Council itself has acknowledged the importance of that dimension by holding a meeting on the role of regional and subregional organizations in the maintenance of international peace and security. The African Union, the European Union and the Association of Southeast

Asian Nations are examples of regional organizations that are engaged in close cooperation with the United Nations. The General Assembly has just adopted a resolution on cooperation with the League of Arab States and is currently discussing one on cooperation with the OIC.

That is the world of international relations in the twenty-first century. That reality must be adequately reflected in the balance of the Security Council. Regional seats, for example, would assure better representation of the interests and ownership of developing countries, small island developing States, other small States and all those that are underrepresented — in other words, the vast majority of the membership, which is underrepresented. It is also the very same majority that the Permanent Representative of Cape Verde referred to yesterday in the Open-ended Working Group in speaking clearly against the arrogance of the few. We are now aware of the complexity of that process. Nevertheless, to enact Security Council reform that does not address the issue of regional representation would be to miss a great historic opportunity.

Some countries are proposing the mere addition of national permanent seats in one variant or another. Do we think that such a reform would really make the Council more representative and effective? In my opinion, reform centred on national permanent seats would be more divisive for the membership and provoke national rivalries.

Every country counts. We must not perpetuate a Security Council of the few. We want a new Security Council in which every country can recognize itself and feel a sense of ownership.

Mr. Frommelt (Liechtenstein): We are grateful for this opportunity to comment on the report (A/63/2) of the Security Council before us today. We are also grateful for the efforts made by Viet Nam during its presidency of the Council to produce a report that is more satisfactory. We are aware of the magnitude of the effort required to achieve even modest results.

We continue to believe that there is a need for in-depth consideration of the Council's activities and a genuine political analysis of its work. Given that this debate is the one opportunity for non-members of the Council to comment on its work, it might be useful to have informal summaries of these debates drawn up by the President of the General Assembly. In addition, we may want to explore formats for analytical discussions outside of the United Nations proper.

In considering the report of the Council we are also assessing the relationship of the Council with the other organs of the United Nations, in particular the General Assembly. Liechtenstein is a member of the Small Five Group (S-5). We therefore believe that the Charter requires accountability of the Security Council for its decisions vis-à-vis the rest of the membership. In the almost three years of its existence, the S-5 Group has engaged with the Council in a constructive manner and has strived for enhanced legitimacy and effectiveness of the Council, as decided at the 2005 World Summit.

We believe that the relationship between the Council and the Assembly leaves much to be desired, but we also believe that improving that relationship is not a one-way street. A Security Council that fulfils its functions in an effective manner and in accordance with the purposes and principles of the Charter of the United Nations is in the interest of the membership as a whole. We also believe that we can strengthen the Security Council and the Assembly in parallel, and that both are needed. The Charter did not create an antagonistic or competitive relationship between the two organs, and we must not do so now.

The open debate that the Council held in August on its working methods, upon the suggestion of the S-5, was a landmark event and the first of its kind since 1994. Participation was strong and the debate was characterized by an open and constructive spirit on all sides. That was an encouraging development that we hope will be followed up by further progress on working methods, including in the framework of the Council's Informal Working Group on Documentation. The Council should focus on the systematic implementation of the reform measures it has previously decided on and design mechanisms that ensure consistent application of those measures, irrespective of the circumstances and of the presiding officer of the Council.

At the same time there is, of course, room for further and innovative measures to enhance the legitimacy and effectiveness of the Council. In our view, it is particularly through the targeted inclusion and involvement of non-members that the Council can further improve its decision-making and the quality of its work.

One area where we have requested for years the enhanced involvement of States affected by Council decisions, but not members of the Council, is the area of targeted sanctions. During the reporting period, we have proposed, together with a number of like-minded States, the establishment of a panel of experts to review decisions on the listing and delisting of persons in the framework of the Al-Qaida and Taliban sanctions regime (see A/62/891).

Our proposal was the product of almost 18 months of preparations and consultations and was submitted to the Council in time for the renewal of the relevant resolution at the end of June 2008. The Council adopted resolution 1822 (2008) without taking into account our suggestions. More importantly though, there was no consultation process between Council members and the proponents of a review panel, even though we consistently reached out to the Council in this respect.

The decision subsequently made by the European Court of Justice in the Kadi case amply illustrates the due process problems of the current sanctions regime. We will continue to work towards an improvement of this sanctions regime and hope for a more positive response of the Council on future occasions. This is a fine example of an external effort to enhance the credibility and thus, effectiveness, of the Council's work.

We also hope for inclusive discussions of the Council on other issues where non-members are affected, such as the International Criminal Court (ICC). We welcome the presidential statement that the Council adopted in June 2008 as a follow-up to its first referral of a situation to the Court in resolution 1593 (2005). We believe that all matters related to the Statute and the application of its provisions should also be subject to a discussion open to States parties of the Rome Statute as well as any other interested State. Likewise, we hope for an informative discussion on issues in connection with the ad hoc tribunals established by the Council that could have a bearing on the work of the ICC, including its budget.

In conclusion, let me offer a few comments on Security Council reform, the other aspect of this joint debate. Our comments on the Council's report illustrate our focus on working methods, in accordance with the 2005 World Summit Outcome Document. We continue to believe that the General Assembly has a direct role and responsibility in this area that flows directly from the United Nations Charter.

Ideally, we see a complementary function for conceptual texts such as the S-5 draft resolution of 2006 on Security Council working methods (A/60/L.49) or the presidential note of the Council from the same year (S/2006/507) on practices and measures to serve as guidance for the Council's work, and the practical application and implication of such measures. We see much promise and very concrete value in these efforts and will continue to pursue them together with our S5 partners as well as other States interested in this work, including those serving as members of the Council.

At the same time, we will of course continue our engagement on the issue of enlargement. In this connection, we hope that you, Sir, and your team will be able to establish a negotiating process on the basis of the decision taken in September that will lead to a solution to be adopted by the largest possible political consensus.

Mr. Matussek (Germany): At the outset, let me thank the President of the General Assembly for convening this meeting. Much has been said on the report of the Security Council and the issues of Security Council reform today, so please allow me to focus my intervention entirely on the question of equitable representation in, and increase of, the membership of the Security Council.

Last Tuesday and yesterday afternoon, we discussed Security Council reform in the Open-ended Working Group. I am pleased to continue this discussion in the General Assembly today.

There can be no doubt now that Member States are committed to reforming the Security Council. As has been clearly shown, and decision 62/557 documents this, Member States are also ready and willing to enter into intergovernmental negotiations. Germany is very much looking forward to these negotiations, which we had hoped would be launched in the General Assembly on Friday this week. We regret yesterday's announcement, to "take the meeting off the agenda", as put forth by the President of the General Assembly.

This is all the more regrettable, as this decision had been taken even before all the speakers inscribed on the speakers list in the Open-ended Working Group

meeting could be heard. Thus, and to no surprise, an observer of yesterday's discussion in the Open-ended Working Group would find it very hard to name but a few voices that supported the postponement of the 21 November meeting.

Not just since last week, ideas have been presented in the Open-ended Working Group on the question on how best to facilitate the fast-approaching intergovernmental negotiations. But let us be frank. The potential of the Open-ended Working Group to bring us closer to any result has been widely exhausted over the last 15 years. Against this backdrop, we cannot see much added value in a timetable for intensive discussions in the Open-ended Working Group as proposed by Mexico and other members of the Uniting for Consensus group.

So let me underline what is most important and what we should be all clear about. The format and modalities of the approaching intergovernmental negotiations are already determined by our decision 62/557. For these format and modalities, the informal plenary of the Assembly and the rules of procedure of the General Assembly plus the basis for the intergovernmental negotiations is listed in decision 62/557 under section (e). All this will ensure that every single Member State can fully participate in the process. No one will be left behind, no one will be excluded.

I remain confident that under the wise leadership of our colleague from Afghanistan, Ambassador Tanin, these negotiations will allow us to take a decisive step forward and, when the time is ripe, the General Assembly plenary will give us a framework for decision-making: the widest possible agreement for a sound reform that corresponds to the needs and challenges of the twenty-first century.

I will now say a word on substance. We still believe that the G4 proposal would be the best way forward. We are, as I have mentioned before, open-minded and do not rule out a two-step approach to achieve this. But what we must bring about is real change.

So, before we take the next step, let me recall what it is that we are striving for. Our aim is a more legitimate Council. What we want is not just a larger Council; what we want is a different Council, one that will be more legitimate, more transparent, more representative, more effective and more reflective of today's political realities. It is not enough to add more two-year seats or similar half-measures.

Mr. Maurer (Switzerland) (*spoke in French*): I thank the Security Council for having submitted its annual report (A/63/2) and welcome its introduction to the General Assembly by our colleague from Costa Rica.

As in previous years, the tableau is mixed. On one hand, we recognize that some improvements have been made, both in the preparation and in the content of the report. On the other hand, we continue to believe that the report could better reflect the Council's challenges, assessments and rationale during the period under consideration in the report. On the positive side, I would like to state how much we appreciated the initiative of the Permanent Representative from Viet Nam, who, during his presidency of the Security Council, convened an informal meeting on 25 July 2008 to give States non-members of the Council an opportunity to express their views before the definitive completion of the report. We hope that this initiative will be taken up again by future Presidents of the Council and thus become a standard practice. Over time, such meetings may contribute to reducing the disparity that currently exists between the collective expectations of Member States and the report of the Security Council.

Furthermore, we recognize that this year the introduction is more detailed and that it gives a better idea of the involvement of the Council, from a regional as well as the thematic points of view. We are of course aware of the difficulties of producing a report that goes beyond the simple enumeration of the Council's activities and meetings. Nonetheless, there is much potential for making the report more analytical and pertinent for the general Membership. In particular, we would appreciate a deeper reflection on the execution and implementation of resolutions, as well as on the obstacles to their implementation. It would also be helpful for the Council to underline the links that exist between thematic, regional and country-specific problems. Finally, it would be opportune for the Council to examine the emerging challenges, such as the recent judgment of the Court of Justice of the European Communities on the review of the internal lawfulness of European Community measures to implement sanctions.

Why do we need more analysis and transparency? Numerous Member States are among the principal donors and contributors of troop contingents. All Member States are obliged to implement coercive measures. Having to implement measures without having participated in their elaboration requires, as a minimum, transparency. We owe that to our citizens and to our national legislative assemblies, as we need to explain to them how contributed funds are being spent and why they should work to enforce Council decisions nationally.

In adopting the 2005 World Summit Outcome Document, we committed ourselves to reforming the Council without delay. However, after another three years of discussions in the context of the Open-Ended Working Group, what we have achieved on the subject of enlargement is disappointing. As long as this question is addressed through a defensive approach and with a zero-sum game mentality, we will go nowhere. If we truly want to reform, we must all exercise a more flexible spirit of compromise and seek options that are advantageous for all. In this context, Switzerland believes that the establishment of a third category of seat could be a viable option. It could bridge the gap between the various positions on the subject of enlargement. Such an approach does not prejudge the final results of reform efforts but enables us to take a step forward. If we are not capable of showing more flexibility, we will not be able to emerge from the current impasse. That is why we welcome the decision of the General Assembly to commit to intergovernmental negotiations during this sixty-third session. We will engage constructively in this process, which must be transparent and inclusive.

Switzerland, like its partner countries in the Small Five Group (S-5), has focused primarily on the question of reforming the working methods of the Security Council. That must be an integral part of the reform process but must not be taken hostage by other considerations; the improvement of working methods must take place, regardless of whether we reach agreement on how to expand the Council.

In this context, I would like to welcome specifically the public debate held by the Security Council on 27 August 2008. The S-5 Group sincerely hopes that that debate will not be a unique event but that it will trigger a process leading us to further action in the Council's Informal Working Group on Documentation and Other Procedural Questions and will thus favour new exchanges with States non-members of the Council.

We recognize the practical improvements made by several presidencies, notably: the access of non-member States to certain Council meetings; timely announcements of upcoming events; and, in particular, briefings by the Council presidency for States non-members of the Council at the beginning of the month. It is vital that the Council pursue the implementation of its presidential note of July 2006 (S/2006/507), to which I would like to add, as another important document, the report of the Arria Formula meeting held by the Slovakian delegation on 13 December 2007 and published under document S/2007/784. The implementation of both these documents requires the sustained interaction of Council members with non-members, while non-members must also remain engaged and actively use the platforms for interaction that the Council offers.

The specific proposals of the S-5 Group on Security Council working methods are well known. I will thus mention only one issue that has gained even more significance since our debate of last year: the development of equitable and clear procedures in the current sanctions regimes, in particular with regard to listing and delisting. The recent judgment of the Court of Justice of the European Communities emphasizes how important it is to resolve this issue. While we recognize that Security Council resolution 1822 (2008) has introduced important measures in the right direction, we believe that the essential underlying problem, the absence of an independent review mechanism for delisting decisions, has not yet been solved.

Our efforts are motivated by the desire to strengthen the sanctions regime and to enhance the effectiveness and legitimacy of the Security Council. Failure to find a credible solution with regard to the right to due process threatens to erode support for the Council's actions and endanger cooperation in the future.

Further improvements in the Council's working methods are in the interest of Council and non-Council members alike. Not only would they secure more transparency and a better inclusion of all Member States in the Council's work, they would also serve the

Council's interests by conferring greater authority upon its decisions.

In our view, the continuous improvement of the Council's working methods has an additional advantage. It is a confidence-building measure that can help to create an environment that is more conducive to progress on the enlargement issue.

Mr. Mansour (Tunisia) (*spoke in French*): First, allow me to thank you, Sir, for the way in which you are conducting this debate. I would also like to thank the representative of Costa Rica, the President of the Security Council for this month, for his presentation of the annual report of the Security Council (A/63/2), which was submitted to the General Assembly in keeping with the relevant provisions of the United Nations Charter.

My delegation would like to address the two agenda items under consideration in the plenary today, namely, the report of the Security Council to the General Assembly and the question of equitable representation on and increase in the membership of the Council. I would like to make the following comments.

First, concerning the Security Council's annual report, for most Member States, and in particular those that are not members of the Council, the General Assembly's consideration of the annual report of the Council is, as everyone is aware, the sole opportunity to evaluate in depth the activities of that body and to identify the measures that need to be taken to bring about the necessary improvements in its working methods.

Once again this year, the report of the Security Council consists of a compilation of decisions and resolutions adopted and a rather factual description of the work of the Council. We have thus not yet come much closer to the recommendations suggested by Member States for an analytical annual report. In the same spirit, I would recall that the General Assembly had suggested to the Council that it periodically submit special thematic reports on topics of international interest. To date, no such report has been submitted.

Regarding the workings of the Council during the period under consideration, the Council has held a significant number of thematic debates, in which an even larger number of States have participated. In this context, it is still useful to strengthen the regular mechanisms of consultation among the presidents of the various United Nations organs so as to avoid any encroachment on or interference in the respective jurisdictions of those bodies during these thematic debates.

My delegation recognizes the significant volume of work carried out by the Security Council in the period covered by the report and in particular concerning hotbeds of tension in Africa and other regions of the world. We also take note of the field visits carried out by members of the Council so as to better appraise situations affecting international peace and security and requiring urgent action by the Council.

In short, the consideration of the report of the Security Council shows that that body has acted resolutely to address a large number of conflicts around the world, and this is likely to strengthen the authority and the role of the body in the maintenance of international peace and security.

However, the efforts of the Council still fall short of expectations in the Middle East. Frustration with the repeated inability of the Council to get further involved in settling the Palestinian question and in honouring its responsibilities in this area casts a threatening shadow over the region and reflects poorly on the authority of the Council itself.

We are convinced that much still remains to be done in order to make the functioning of the Council more transparent, thus ensuring that all delegations, in particular those having items on the agenda of the Council, have access to information.

Secondly, with respect to the question of equitable representation on and increase in the membership of the Security Council, allow me first of all to pay tribute to your predecessor, Sir, the President of the General Assembly at its sixty-second session, and his facilitators, for the contribution that they made to the issue that we are now discussing. My delegation, in this context, welcomes the understanding reached by member States on 15 September 2008 on the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council. Through that understanding, we decided to undertake informal plenary meetings of the Assembly at its sixty-third session, not later than 28 February 2009, and to embark

on intergovernmental negotiations based on the proposals of Member States in an open, inclusive and transparent manner so as to identify a solution that might command the broadest possible political support among Member States.

As we await the implementation this year of that understanding under your guidance, Sir, and that of the representative of Afghanistan, who was appointed to facilitate the task of Member States in this regard, allow me to make the following comments.

The Security Council should reflect the economic and political realities of today's world. It should be endowed with the necessary legitimacy to act on behalf of the international community in carrying out its mandate, which is entrusted to it by the Charter. Likewise, my delegation believes that the purpose of any reform of the Security Council should be to strengthen equitable representation on that body and its credibility and efficiency. Those objectives can only be achieved through an enlargement that includes developing countries. Similarly, the size of the Council as it is restructured should reflect all the sensibilities of the international community.

In this regard, Tunisia continues to support energetically the position of the African Union, as reflected in the African common position on the question of Security Council reform. At their Summit held in Addis Ababa at the beginning of this year, African heads of State and Government agreed to a clear-cut mandate for the African representatives accredited to New York so that they could take part in the intergovernmental negotiations on Council reform.

We believe that we must, without further delay, remedy the longstanding injustice that has deprived the African continent of a permanent presence in the Security Council. This injustice has persisted since the creation of the United Nations, as everyone, I am sure, knows. We will support any approach that will give developing countries in general and Africa in particular the place that they deserve on the Council.

In conclusion, if the Security Council is to continue to enjoy the trust of States and of world public opinion, it must prove that it is capable of effectively tackling the most difficult issues and that it can become more representative of the international community as a whole so as to be better reflective of the realities of today's world.

Ms. Bethel (Bahamas): Allow me to join other speakers in extending my appreciation to Ambassador Jorge Urbina of Costa Rica, in his capacity as current President of the Security Council, for his presentation of the report of the Security Council, contained in document A/63/2.

The Bahamas aligns itself with the statement made by the Representative of Barbados on behalf of the Caribbean Community and would like to take this opportunity to outline some national concerns and comments.

As in previous years, the report before us today clearly illustrates an increasing volume and scope in the Security Council's activities, making for a full and time-consuming agenda in its ongoing efforts to oversee and maintain international peace and security, as mandated in Article 24 of the Charter. My delegation continues to urge, however, that these reports be more analytical and substantive in nature, presenting a reflective assessment of the Council's activities for the period under consideration.

As in previous years, a large proportion of the Security Council's activities focused on bringing resolution to a number of conflict and post-conflict situations, particularly in Africa. We once again commend the Council for its focus in this area, especially in the light of the undeniable nexus between peace, security and development, and the need to ensure that Africa makes significant strides towards the achievement of internationally agreed development goals, including the Millennium Development Goals, the target date for which is fast approaching.

In his statement in the general debate two months ago (see A/63/PV.11), the Prime Minister of the Commonwealth of the Bahamas, the Right Honourable Hubert Ingraham, noted with satisfaction the continued engagement of the United Nations Stabilization Mission in Haiti (MINUSTAH). He also urged the continued extension of the Mission's mandate until such time as the foundations for peace, security and development were firmly established in our sister Caribbean nation and the complexity of challenges confronting that country could be effectively addressed so that its people could enjoy the fruits of economic development, human rights and justice for all.

We were heartened by the Council's adoption of resolution 1780 (2007) during the period covered by this report, extending the mandate of MINUSTAH for a

full year, and its adoption of resolution 1840 (2008) this past month, which made for similar provisions. It is absolutely imperative that the international community continue to provide Haiti with the required assistance and support for its stabilization and reconstruction in the months and years ahead. The setback suffered by the Haitian people recently in the wake of tropical storms and hurricanes starkly illustrates the tenuous and precarious situation in that country. I would take this opportunity to extend, once again, our condolences to the people and Government of Haiti on the loss of life and the destruction of property that ensued from those natural disasters and on the recent collapse of the school in Petionville.

The Bahamas unequivocally condemns terrorism in all its forms and manifestations and remains keenly interested in and supportive of the work of the various counter-terrorism bodies of the Security Council. We continue to urge, however, increased coordination in their efforts and the provision of technical assistance to those States who require it for the implementation of counter-terrorism measures adopted by the Security Council and to meet reporting obligations under the various resolutions. This can often pose a daunting challenge to many small States with serious capacity deficiencies, such as the Bahamas. We would therefore encourage the Council to continue its efforts to coordinate much-needed assistance to States in all aspects of their counter-terrorism obligations, in our collective fight against this scourge.

In tandem with the report of the Security Council, we are also, appropriately, considering the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in Membership of the Security Council and Other Matters Related to the Security Council, contained in document A/62/47.

As stated on numerous previous occasions, the Bahamas believes it is vital that all Member States with the capacity to serve on the Security Council be given an opportunity to do so. We therefore feel that the expansion of the membership of the Council in both categories is appropriate and long overdue. A truly representative Council must more equitably reflect the current membership of the Organization, allowing developing countries, including small developing States, to play a greater role in its activities.

Another equally important challenge is the reform of the Council's working methods. Many Member States, the Bahamas included, continue to place great emphasis and importance on modifying the working methods of the Council as a means of making the body more transparent, inclusive, accountable and effective.

The Bahamas welcomes the Open-ended Working Group's call for the start of intergovernmental negotiations in informal plenary of this current General Assembly session, as articulated in decision 62/557. We believe that intergovernmental negotiations on all aspects of Council reform is the next important step and the only way forward in advancing this process, and my delegation looks forward to participating fully in that exercise, which we hope will begin very shortly.

Mr. Benmehidi (Algeria) (*spoke in French*): First of all, I would like to thank Ambassador Jorge Urbina of Costa Rica, President of the Security Council for the month of November, for introducing the report of the Council to the General Assembly (A/63/2).

This document is exhaustive and reflects the importance of the Council's activities during the period under review. Nevertheless, it remains narrative and factual and is still lacking the necessary analytical dimension.

In considering Council agenda items, one realizes that questions of peace and security in Africa continue to occupy a significant portion of the deliberations of the Council, with the largest number of consultations, public meetings and other missions devoted to that issue. There are two facts that we can infer from this. First, the situation in Africa is of a specific nature. Many regions there are prone to instability and tensions, which are sometimes structural in nature, thus requiring the attention of the international community and of the Council in particular. Secondly, there is an obvious link between questions of development and recurring flashpoints and conflicts on the continent, which implies the need for a sustained effort to strengthen cooperation for development in Africa.

As we consider the Council report, we are confronted by the deterioration of the situation, especially the humanitarian situation, in the Democratic Republic of the Congo. In spite of the deployment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), which is the largest current peacekeeping mission of the United Nations, the fragile situation in

the country has shown once again the importance of cooperation between the United Nations and the African Union.

In this context, we note the progress made in such cooperation in terms of the settlement of conflicts and peacekeeping in Africa. This cooperation under Chapter VIII of the Charter has brought about a number of joint initiatives and increased coordination for several years now. There has been the establishment of common projects and mechanisms, such as the appointment of joint special envoys and the launching of hybrid missions, such as the African Union-United Nations Hybrid Operation in Darfur (UNAMID).

The commitment of the African Union has also materialized through the deployment of the African Union Mission to Somalia in order to create the conditions for the return of peace and stability in that country. The Security Council must now decide on a priority basis, as it is committed to doing, on the deployment of a peacekeeping mission in Somalia. My delegation would like to emphasize that maintaining peace and international security is within the purview of the Council. The African Union cannot support the settlement of conflicts and peacekeeping in Africa on its own if the necessary resources, which are substantial, are not provided.

As we commemorate this year the sixtieth anniversary of Al-Nakba, which has condemned the majority of Palestinians to exile since 1948, the Security Council to date has not managed to redress this historical injustice and provide for the implementation of its resolutions on Palestine and the Middle East. This is the largest failure of the Council and of the United Nations in general since its establishment.

The same is true of Western Sahara, where the decolonization process in that territory remains stymied, and where the United Nations Mission for the Referendum in Western Sahara (MINURSO) has been reduced to the observation of a ceasefire in force since 1991. The Security Council must now refocus its action on the original mandate for establishing MINURSO — in other words, on the organization and supervision of a referendum of self-determination allowing the Saharan people to freely decide their future.

Efforts to achieve greater transparency in Security Council deliberations must remain an ongoing objective of all United Nations Member States and, in particular, of Council members themselves. Moreover, questions before the Council should be restricted to those within the Council's authority, without impinging on that of other bodies, in particular the General Assembly and the Economic and Social Council.

In a world marked by profound change, and with ever more complex problems and crises, the current Council membership reflects the realities of the world as it was in 1945 — namely, that the majority of States now Members of the Organization were at that time under colonial domination. The projected reform of the Council should seek to correct this lack of representation in the Council in the size and in the category of permanent members, where Africa has suffered an historical injustice.

My delegation emphasizes the valuable contribution of the Open-ended Working Group on Council reform, which, in rejecting hasty decisions, has precluded the original imbalance from getting worse, which would be to the detriment of developing countries, in particular those in Africa.

We welcome progress made in the Working Group, and we reaffirm our commitment to pursuing discussions in the Group to prepare the format and modalities of the upcoming intergovernmental negotiations on Council reform.

In this respect, Algeria reaffirms its willingness to work with all delegations to advance the reform process in the Council and is firmly committed to a negotiating process with clear and well-prepared contours.

Finally, we would like to reiterate our commitment to the aspirations of Africa expressed in the African common position endorsed in the Ezulwini Consensus — namely, that Africa should get no fewer than two permanent seats with the right of veto, as well as two new non-permanent seats.

Sir John Sawers (United Kingdom): I would like to thank the President of the General Assembly for convening this important debate and to thank my colleague, the Permanent Representative of Costa Rica, for his comments on the report of the Security Council, which he gave in his capacity as President of the Council this month and on behalf of all members of the Council, including, of course, the United Kingdom. My thanks also go to the Permanent Mission of Viet Nam for leading the work, with the Secretariat, in producing

what I hope all members will consider as a very comprehensive report on the work of the Council over the last 12 months.

As my colleague from Costa Rica highlighted, the debate on the Security Council working methods on 27 August saw broad consensus on the need for the Council, and indeed all organs of the United Nations, to do more to ensure that they work, not just effectively, but also transparently. It was clear from that debate that many would like to see further discussion about the annual report, and we shall listen carefully to the views expressed today in that regard.

On the question of Security Council reform, I welcome the opportunity to reiterate the United Kingdom's support for the reform process. Today's discussions come as we enter a new phase in the process, with intergovernmental negotiations starting in this session of the General Assembly. I think that is the clearest indication yet of our collective desire to achieve concrete progress towards agreement on Security Council reform.

Our ever-increasing interdependence and the global risks and responsibilities we all share highlight the need for strong, representative and effective international institutions. As my Prime Minister noted in his statement in this Hall in September, we have an opportunity to reframe the international architecture to make it fit for the challenges facing us in the twenty-first century. The United Nations is at the heart of that architecture, and we continue to believe that reform of the major organs of the United Nations, including the Security Council, is an indispensable part of that effort.

The United Kingdom's position on the substance of Security Council reform is well known. We will continue to support reforms that lead to a Security Council that is more representative of today's global realities and that is no less effective or capable of taking the tough decisions needed to tackle the many threats to peace and international security that the Council deals with.

The United Kingdom is fully committed to the intergovernmental negotiations, which, we believe, should be conducted in an open and transparent manner that will build confidence and foster trust among the membership. We will engage constructively in those negotiations, with the aim of securing a model of reform that will garner the widest possible support. We should continue to give serious thought to an intermediate solution, if that proves to be a rallying point for the great majority of the membership.

The global financial crisis has thrown the need for reform of the international architecture into stark relief. It has shown the need for a fresh look at the effectiveness of the Bretton Woods institutions. The Group of Twenty Summit on Financial Markets and the World Economy last weekend gave a clear lead in this regard on how to respond. The reform of the Security Council needs to keep pace with that process.

I would like to conclude by reiterating the support of the United Kingdom for the Security Council reform process and for the continuing leadership of the President of the General Assembly on this important issue.

Mr. Al Oyaidi (Saudi Arabia) (*spoke in Arabic*): Allow me to express our gratitude to the President of the General Assembly for his efforts in presiding over this sixty-third session. We are confident that his efforts will lead to success. I also wish to thank his predecessor for the vital service rendered to the General Assembly at its sixty-second session. I wish, too, to express our gratitude to Secretary-General Ban Ki-moon for the efforts he has exerted towards the maintenance of international peace and security at a time of great changes, challenges and threats facing the world.

The Kingdom of Saudi Arabia supports the principle of equitable geopolitical representation on and increase in the permanent and non-permanent categories of membership in the Security Council. We also support the request of the Arab Group and the Organization of the Islamic Conference (OIC) to have a permanent seat in the Council, since their States constitute 30 per cent of the United Nations membership.

The Kingdom of Saudi Arabia feels that Member States have both a moral and professional responsibility to show the sincere political will that could contribute to determining the just and decisive role that the United Nations should play in the current global changes and challenges facing the world through the implementation of the 2005 World Summit Outcome. It should not be selective, and it must shun narrow national interests that do not take into consideration current changes and developments in the international community at present, so that security,

stability, prosperity and justice for all Members can be achieved.

The Kingdom of Saudi Arabia stresses the need to continue efforts towards realizing Security Council reform in order to guarantee efficiency, justice, transparency and credibility, as this would enhance the Council's credibility and its ability to deal with all that hampers the realization of international peace and security. The Kingdom of Saudi Arabia is also of the view that the right of veto should be used in a just manner that protects rights, administers justice, helps the weak and punishes aggressors who threaten international peace and stability. It should not be used in a negative manner that hampers justice and rewards aggressors who continue their aggression and oppression with impunity within the framework of narrow interests that neither respect justice nor the principles and rules upon which the Organization was established.

That, indeed, is what has aggravated the Middle East problem, which has so greatly threatened international peace and stability. All this is due to the negative, unilateral and rogue utilization of the veto in a manner that hampers the implementation of Security Council resolutions and reduces the Council's credibility and prestige before international public opinion and the international community.

In conclusion, the Kingdom of Saudi Arabia, which has participated in these consultations and will participate in the forthcoming meeting to realize the objective of Security Council reform, hopes that these consultations will attain a result that is satisfactory to all parties and in a manner that serves the international community. That requires a distinctive role and special efforts by the Council's permanent members. We look forward to their rational, mature and sincere contribution in a manner that would realize the objectives that we seek from these reforms.

Mr. McNee (Canada): Canada welcomes this opportunity to share views on the annual report of the Security Council (A/63/2), and to address once more the important subject of Security Council reform.

The Security Council has a central, and indeed growing, role in leading collective responses to today's security challenges. With 110,000 military, police and civilians deployed in peace support operations worldwide, the decisions of the Council affect the daily lives of millions of people around the world. The report of the Security Council makes it clear that the complexity, variety and volume of Council business continue to expand at a dramatic pace. Working in cooperation with regional organizations, the United Nations has made great strides in making peace operations a more effective international tool for saving lives and assisting democratic transformation in places as diverse as Afghanistan and Haiti.

We commend the Council, the Secretariat, and above all, the peacekeepers and all those who serve the United Nations in the field for their tireless efforts. Nevertheless, those who follow the work of the Council cannot fail to notice that peacekeeping missions are under strain. In critical theatres, United Nations forces are overdeployed and overstretched, and too often underresourced, at times with tragic results, as we have seen even today in the Sudan and the Democratic Republic of the Congo.

A growing Security Council agenda, coupled with increasing stress on existing missions, presents a fundamental challenge to the work of the Council and for all those who have a stake in an efficient and well functioning system of collective security. Above all, the numerous obligations laid out in this year's report of the Security Council serve as a stark reminder of how much is at stake in the design and functioning of the international security architecture.

Comprehensive Security Council reform remains a critical component of the larger United Nations reform agenda. In September of this year, the membership took an important decision to launch intergovernmental negotiations on Security Council reform no later than February next year. Ensuring that we all use this opportunity to make genuine progress is an urgent priority, and one which deserves our full attention.

What kind of Council does Canada seek through reform? A Council that is more representative of the world's regions, more transparent in its operations, more accountable to the Member States whom it serves, more responsive to contemporary challenges, and more legitimate in its composition and more effective in its performance.

Allow me to put on record again Canada's strong support for an enlargement of the Security Council that will make it more representative and therefore more legitimate. It is particularly important that we address the underrepresentation of Africa on the Council.

But Canada believes that any enlargement can, and should, be achieved in a manner compatible with the principles of democracy, equality and accountability — in other words, through the expansion of the Council's elected membership. Otherwise expansion will not enhance, but rather diminish, the authority of the Council. For this reason, while we support enlarging the Council, Canada remains opposed to the idea of adding new permanent seats.

Let me emphasize that this position is not grounded in opposition to any of the declared aspirants. Rather, it reflects a belief that the establishment of new permanent seats undermines the very principles of fairness, equality and democracy, which are the foundations of accountability.

We oppose the establishment of new permanent seats because we believe fundamentally that such a course would detract from the General Assembly's important oversight role. Ultimately, accountability to the membership cannot be ensured without the discipline of regular elections. Before the general membership makes a final determination on composition, it is important to take a sober second look at the logic underpinning the case for permanent seats.

It has often been argued that new permanent seats are needed because elected members cannot be effective in relation to the Permanent Five, who enjoy the benefits of longevity and the veto. We disagree. Indeed, the history of the Security Council is replete with the accomplishments of its elected members. In recent years, elected members have led the way in breaking new ground on thematic issues of direct relevance to peacekeeping mandates. Resolutions on issues such as the protection of civilians, children and armed conflict, and women and peace and security, stand as testaments to the contribution of elected members, and remain to guide the Council's actions long after those elected members who drafted them have left the Council.

It has also been argued that the addition of new permanent seats is a component of a legitimate Security Council. While Canada agrees that legitimacy is tied in part to Council composition, we believe that that is best achieved by ensuring the broadest possible representation of the world's regions, not by permanently extending the privileges and prerogatives enjoyed by a few to a few more. The debate on Council composition remains complex and has many dimensions, but we believe that with goodwill there is scope for progress during the sixty-third session.

In the meantime, the General Assembly cannot afford to focus on Council composition to the exclusion of other important dimensions of Security Council reform. Canada's view is that the legitimacy of the Council is tied at least as much to the quality of the decisions it takes as to who takes those decisions. For instance, are wars prevented and halted by the Council? Where they are not, are civilians protected? Are perpetrators held accountable after the fact? In the eyes of the world's most vulnerable, these are the real tests of the Council's legitimacy. For this reason, Canada believes that Council effectiveness should be at the centre of the debate on Council reform.

There are three key areas where change will increase the Council's effectiveness, and all are well within our grasp. First, the Council's working methods should be improved to enhance transparency, widen participation of the broader membership, and limit the use of the veto. Secondly, the Council should manage its agenda in a manner that allows for prompt attention to emerging crises before conflicts erupt, for example through the fulfilment of its Chapter VI prevention function. Importantly, the Council must ensure a more effective management of existing deployments.

Thirdly, the Council must work to update its normative framework in order to ensure it is better equipped to meet the demands of the evolving security environment and the changing nature of armed conflict.

The Security Council has made important strides in improving its working methods in recent years, resulting in a body that is now more open. However, more needs to be done. We commend the Council on its increased briefings to Member States over the past years, particularly on the monthly programme of work, which has proven to be very useful. But this practice should become a systematic one.

Canada also urges the Council to increase consultations with the broad membership, for example by making more frequent and systematic use of informal exchanges, and by increasing the regularity of substantive briefings for Member States, including on the work of subsidiary bodies.

In particular, consultations with troop-contributing countries, major stakeholders and

financial contributors should be strengthened, so that their input can be taken into account prior to the establishment or renewal of a mission.

We would encourage the Council to expand and deepen the practice of public and open debates, which allow the membership to contribute their perspectives and ideas to the Council's consideration of the international peace and security agenda.

The Council would also benefit from a serious consideration of the use of the veto. We all know the inhibiting effect that the veto — or even the threat of the veto — can have on Council deliberations. There have been several regrettable occasions in recent years when the spectre of the veto had the effect of dampening debate and delaying much needed action. But the veto is not, and was never meant to be, a tool for avoiding debate on certain issues. For that reason, Canada believes that any use of the veto should be publicly explained and justified. We also strongly believe that the veto has no place in deliberations on situations of genocide, crimes against humanity and war crimes and urge the five permanent members to commit to voluntary restrictions on its use in these situations.

(*spoke in French*)

Canada believes that these and other changes to the Council's working methods could significantly enhance its effectiveness and, in so doing, its legitimacy, and we encourage the Council to consider adopting such measures in the months ahead.

In this regard, Canada reiterates its strong support for the earlier proposal of Singapore, Costa Rica, Jordan, Switzerland and Liechtenstein (the Small Five) for a draft General Assembly resolution. This text merits serious consideration not just in the context of Council enlargement discussions but also in its own right.

Canada also believes more could be done to manage ongoing obligations of the Council. The Security Council cannot meet the test of effectiveness if it does not consider the full range of current crises or if it does not respond to them in a timely way. At the same time, the United Nations is overstretched. There is an urgent need to consider how to better manage both the growing demand for Council action, and the real operational constraints the Organization faces. In this regard, Canada urges the Council to consider developing guidelines for entry and exit strategies, as called for in the Brahimi report (A/55/305) and in the report of former Secretary-General Kofi Annan, entitled "No exit without strategy" (S/2001/394).

Finally, Canada believes that the Council's legitimacy can be improved by updating its normative framework to reflect modern realities. A case in point is the protection of civilians in armed conflict. Canada believes it important to deepen the protection of civilians and related norms and to operationalize them to ensure that the international community continues to move from principle to practice. The Council has demonstrated that real progress can be made, but there is important work still to be done. Protecting civilians requires continued Council engagement and vigilant monitoring and follow-up in those instances where resolutions have included clear language on civilian protection. In this regard, Canada urges the Council to implement the provisions of the relevant resolutions, including resolutions 1265 (1999) and 1674 (2006) on the protection of civilians in armed conflict, and resolution 1325 (2000) on women, peace and security.

It is important that the Council be able to demonstrate the political will and capacity to draw upon the full range of levers at its disposal towards this end, including through the use of effective monitoring and accountability mechanisms.

Where there is unfinished business, this, too, needs to be addressed. In this regard, we note that three years ago the former Secretary-General made a series of pragmatic and balanced proposals concerning the use of force. Adoption of these proposals is long overdue, and we urge the Council to do so without delay.

Lastly, as we move forward with a broader United Nations reform agenda, we must ensure that Security Council reform is at the forefront of our consideration. The need for change in relation to both enlargement and effectiveness of the Security Council is urgent, and the time for progress is now.

This means early action in the areas of the Council's working methods, normative framework and agenda management, in addition to the important question of its composition. Where early action is possible, leading to tangible results for Member States, we should take advantage of this opportunity as a means of building momentum and confidence towards resolving the question of composition.

In doing so, we must be guided by the principles of democracy, transparency, accountability and representation as the cornerstones of building a more effective Security Council. Canada looks forward to working constructively with Member States on these important issues in the months ahead.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): As Member States debate the report on the work of the Security Council (A/2008/2), at the sixty-third session of the General Assembly, they will once again realize that the Security Council has gone through another busy and challenging year. Over the past year, covering areas from Afghanistan to Haiti, from the Balkans to the outer Caucasus, from the Middle East to Africa, from combating terrorism to preventing proliferation, the Security Council has continued its unremitting efforts for the maintenance of international peace and security and has, to a certain extent, achieved success.

The Council has also worked hard to explore ways to improve its work, to increase its transparency and to enhance its interaction with others. Article 24 of the Charter stipulates that United Nations

> "Members 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."

While entrusting the Security Council with such responsibility, Member States expect it to undertake its responsibilities boldly and to be accountable, and they closely follow the Council's daily performance as their gauge in deciding whether that body is fulfilling its duty, as entrusted to it by the United Nations Charter.

China has always maintained that the purpose of the Security Council is not to serve the interests of a small number of countries, but rather to serve the common interests of all Member States. It only has the obligation to work hard, but no right to be complacent. Faced with the profoundly changing international and regional situations and the problems of war that are still inflicting suffering on certain regions, the Council should continue to put forth its best efforts in its endeavours. As a permanent member of the Security Council, China will continue to put forth its best effort.

It is true that the members of the Council work very hard; however, it is undeniable that there are large gaps between the performance of the Council and the expectations of the Governments and peoples of Member States.

Some international peace and security problems have been on the Council's agenda for many years and remain unresolved. Non-Council members still encounter difficulties in accessing and participating in the Council's work. The Council's responses and actions are not always prompt or adequate. Sometimes, the opinions of States have not been given due attention.

Some issues that do not, in essence, fall into the realm of the Council's mandate have been repeatedly submitted to the Council, and there often arise disputes among Council members as to their relevance. Undoubtedly, there is still much room for improvement in the Council's work.

The two topics that are being debated at this meeting, the work of the Council and the reform of the Council, are closely related. The work of the Council has reflected the challenges faced by that body, but, at the same time, has exposed the problems therein. Those issues can only be addressed through necessary and visible reform. The Security Council must adapt to the current international situation, which has changed profoundly.

The first major change can be seen in this Hall. Over the past 60 years, the membership of the United Nations has expanded close to fourfold and a large number of small and medium-size developing countries have joined the United Nations and become the major force of the United Nations family. This reality has also changed the political environment of the United Nations system. At the same time, regional organizations, as well as regional cooperation, have greatly progressed and have become one of the major characteristics of post-war international relations.

Regional methods for maintaining international peace and security, which were envisioned in Chapter VIII of the United Nations Charter, have become a reality and are a pillar of multilateralism. Equally important is the fact that, although there exist some unreasonable and unjust phenomena in international relations, democratization and rule of law have become an irresistible historical trend. Multilateral cooperation has become a natural choice of States to cope with common challenges.

Faced with this profound change in the international situation, people have all the more reason to question the logic of keeping the structure of the Security Council the same for decades. They have good reason to request that the Security Council increase its size, democracy and transparency and to expect a reformed Council to serve them better.

China firmly supports the implementation of necessary and reasonable Council reforms. The primary issue of this reform is, I will say once again, to find a balance in its representation, including geographic, by increasing its membership. Any reform should give priority to increasing the representation of the developing countries, especially the African countries. Only by so doing can the long-term structural defect of the Security Council be corrected.

I would like to reiterate here that any reform plan that does not have the potential support of the African countries will not have the support of China. Reform of the Council must reflect internationally accepted standards of democratization and the rule of law. The reform should ensure that smaller countries will have increased opportunities to participate in the Council's decision-making in a more substantive way and make the smaller countries truly feel that the Security Council is an institution committed to helping them solve problems.

Additionally, we must enhance the accountability of the Council to Member States and ensure that the work of the Security Council always gives expression to the common desire of the vast majority of the Member States.

Reform of the Council is a major event involving the common interests of 192 Member States. Decision 62/577, adopted in the last session of the General Assembly, demonstrated the determination of the Member States, who are making greater efforts towards reform.

The intergovernmental negotiations, to be launched next February, will provide an important opportunity for reform. We are now at a key crossroads, and during the negotiations Member States will have the opportunity to comprehensively examine the challenges and problems faced by the Security Council in order to produce a meaningful reform plan.

Experience has showed us that reform of the Security Council is not a simple game of numbers. Nor can it be completed overnight. Member States must reach the widest possible agreement through in-depth consultations. We have taken note that the President of the current session of the General Assembly has already convened two meetings of the Open-ended Working Group on the Security Council. It is our hope that the Member States can make full use of the time we now have and actively participate in the discussion in the Group and achieve results, so as to lay a solid foundation for the intergovernmental negotiations.

Mr. Bahuguna (India): We welcome the opportunity to participate in this joint debate on agenda item 9 entitled "Report of the Security Council" and agenda item 111 entitled "Equitable representation on and increase in the membership of the Security Council and other related matters".

We thank the delegation of Costa Rica for introducing the annual report of the Security Council for the period August 2007 to July 2008 (A/63/2).

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

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

Like others, we are convinced that the only remedy is a comprehensive reform of the Security Council, involving expansion in its permanent and

non-permanent categories of membership. There are a few who argue that an expansion in the non-permanent category alone would suffice.

That is unrealistic and has been proved wrong by history. We should not forget that we expanded the Security Council in 1965, with only additional non-permanent members, but the problems of the Council have only grown worse. Non-permanent members have not been able to implement their ideas, to prevent the Council's encroachment into areas beyond its competence under the United Nations Charter, to improve its decision-making process, to ensure full compliance with Articles 31 and 32 of the Charter, to enhance the participation of troop-contributing countries in decision-making or even to improve the access and participation of non-members, especially small States. And that has not been for lack of trying on the part of many non-permanent members. Thus, electing non-permanent members has failed to ensure the accountability of the Council.

It is self-evident that real change and improvement can come only if we induct new permanent members, on the basis of the principles of election and subsequent accountability to the wider membership through an appropriate review mechanism, while ensuring permanent institutional memory with new points of view and fresh resources in order to ensure optimal decision-making and its translation into action. Without an expansion of the permanent membership, the real problems cannot even begin to be addressed, nor can the political culture even begin to be transformed. Attempts to portray an interim model as a solution are inherently flawed. Such a model could simply add to numbers without addressing the issues and, in effect, would be the worst of both worlds.

Let me reiterate our demand for reform of the Security Council including the following elements: expansion in both the permanent and the non-permanent categories; equitable geographical representation; greater representation for developing countries, including better access for small, island, landlocked and other vulnerable States; adequate representation for developed countries and for countries with economies in transition; comprehensive improvements in the working methods; and a provision for a review mechanism.

In that context, we welcome the unanimous decision 62/557, adopted by the Assembly on 15 September 2008. That decision clearly recognizes the futility of further consultations in the format of the Open-ended Working Group. It is unambiguous in providing for the commencement of intergovernmental negotiations in the informal plenary of the General Assembly based on proposals by Member States and within a defined time limit. Further, the phrase "so far", used in paragraph (d) of the decision — which deals with the commencement of intergovernmental negotiations — makes it abundantly clear that the negotiating process is not bound to take into account any further activity within the Open-ended Working Group after 15 September 2008. In the extremely unlikely event that the Working Group would produce useful results, these could be considered as inputs in the negotiating process.

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

At yesterday's meeting of the Open-ended Working Group, the President of the General Assembly indicated that the informal plenary meeting of the Assembly for the commencement of intergovernmental negotiations would probably not be held on 21 November 2008. We are intrigued by that development, especially since commencement of the negotiations on that date had been supported by an overwhelming majority of Member States and was in line with decision 62/557. Well over two thirds of the Member States whose representatives spoke yesterday were sceptical as to the future utility of the Open-ended Working Group. Let me reiterate that, through

decision 62/557, we had all agreed that the commencement of negotiations was not conditional on the future work of the Open-ended Working Group. We look forward to the early convening of the informal plenary meeting of the General Assembly for the commencement of negotiations in accordance with decision 62/557.

Mr. Tarragô (Brazil): The fact that we gather every year in this Hall to consider the annual report of the Security Council should not make us lose sight of the political meaning and relevance of that task. The General Assembly is the chief deliberative, policymaking and representative organ of the United Nations. It is by virtue of that authority that we review the work undertaken by the Council. In the process, all of us — the entire membership and those who act on its behalf — gain with regard to matters pertaining to the maintenance of international peace and security.

The report before us (A/63/2) can be examined from several angles. Here, I will focus briefly on the aspect of transparency and access. Among other statistics, the document presents the number of public meetings and the number of closed consultations of the whole held during the reporting period. That is not irrelevant and warrants two comments. The first is that the inclusion of such statistics is noteworthy in itself, since it constitutes one parameter — albeit not the most important one — by which to gauge the Council's openness to non-members. The second observation is that the comparison of the data for 2006-2007 with those for 2007-2008 reveals a welcome improvement in the ratio between public meetings and closed consultations. That trend is to be encouraged, as is another positive development that, although it did not occur during the reporting period, must be mentioned: the holding of a public meeting in August to discuss the implementation of the note by the President of the Security Council (S/2006/507) related to working methods. We all hope that the Council will not need another 14 years to have further debate on the issue. In these gestures, Brazil recognizes an effort to achieve greater transparency.

However, that is far from enough. Some of the truly significant measures — such as full implementation of Articles 31 and 32 of the Charter, access for non-members to subsidiary organs and meaningful consultations with troop-contributing countries and other interested parties — have not yet been taken. Robust yet realistic reform of the Council's working methods will be facilitated by an expansion of the Council, which, once it is made more representative, will be more amenable to greater transparency and to access by non-members. A more democratic structure will surely lead to more democratic practices.

That leads me to comment on the relationship between democratization of the United Nations — one of the priorities of the President of the General Assembly that we fully support — and Security Council reform. Some believe, and others want us to believe, that true democracy would come to the Council through an increase in the number of non-permanent members only. But simply adding non-permanent members to the Council would not solve the problem of the loss of its representativeness and of the legitimacy of its decisions, which has been observed over the years. It would only accentuate the present imbalances. Therefore, the Council must necessarily count on the permanent contribution of countries whose presence in the international scene has become more decisive in the building and implementation of the required decisions.

Brazil favours the expansion of the organ in both categories: of permanent and non-permanent members. Democratic reforms in the Council are only possible through the addition of permanent members committed to making it more transparent and accountable. With the clout that permanent membership can bring — fully legitimized by a very demanding electoral and ratification process in the General Assembly — such new members can be effective agents of change. They will do so through the vote and the persuasion of other permanent Council members.

To restrict reform to the mere addition of non-permanent members, though purportedly democratic, is in fact a way to preserve the status quo, since those members, by definition, can only contribute to the decision-making process for a limited period of time. Worse still, it would distort even more the proportion in the Council between permanent and non-permanent members. As they say in French, *plus ça change, plus ça reste la même chose*. This is neither what the world needs nor what the majority of Member States wants.

Another important aspect of the meaningful reform we need relates to the nature of an expanded Security Council. We want it to be both more

representative and more effective than today. In order to achieve such goals, balancing the composition is crucial. On the one hand, we need a more diverse set of countries and, on the other, we need a larger core group of countries prepared and willing to take up the accrued responsibilities associated with the task of maintaining international peace and security. That can be done through the kind of reform proposed by Brazil and many others from all regions, including small States. Small States, unlike what some would like us to believe, know very well what they will gain: improved representation in and better access to the Council. With genuine reform, not only will they be more likely to be elected as non-permanent members but they will also have partners in the Council in their efforts for more participation.

To demand consensus or support close to consensus to achieve Security Council reform is to put the bar at such a high level that it would give a minority an actual right of veto in this matter. We disagree with that position, as it is an attempt to hinder the modernization of the United Nations and risks pushing the Organization into irrelevance, thereby posing a risk to peace and security.

Reform cannot wait. Just as the current financial crisis shows, the international machinery for global governance does not fully respond to the needs of today. The Security Council is one of the key pieces of that machinery. We should not delay any longer the starting of intergovernmental negotiations without conditions, on the basis of Member State proposals which, I stress, have already been formally presented. The opponents of genuine reform of the Security Council will keep trying to procrastinate. Attempts to undo our decision of September last through discussions — procedural only in appearance — should not be allowed to prevail since this is not what the vast majority of delegations wants. What they want is actual negotiation soon so that we move more quickly and engage in the necessary effort to bridge our substantive differences to the greatest extent possible. They are ready. We are ready.

Ms. Al-Ajeel (Kuwait) (*spoke in Arabic*): On behalf of my country's delegation, I would like to express my deep gratitude and appreciation to the President of the Security Council for this month, the Permanent Representative of Costa Rica, for presenting the report of the Council to the General Assembly (A/2008/2), which indicates a noticeable increase in the volume of the Council's work in the past year.

Ms. Ochir (Mongolia), Vice-President, took the Chair.

We also align ourselves with the statement of the representative of Cuba on behalf of the Non-Aligned Movement and we extend our congratulations to the new non-permanent Council members, Japan, Turkey, Austria, Mexico and Uganda, on their election for the 2009-2010 period.

The item on the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council is considered one of the most important items on the agenda of the General Assembly. However, the question of the reform of the Security Council remains in limbo in the general debates of the Assembly despite the passing of 14 years since the adoption of the General Assembly resolution to establish an open-ended working group to consider the issue of equitable representation and increase in the Council's membership. Although Member States have agreed in principle on the need for change and reform, the working group has been unable to date to reach agreement on the substance of the required changes.

In any case, we cannot ignore the fact that progress was made in the discussions of the group, in particular concerning the working methods of the Security Council, where there is almost general agreement on many of the measures and proposals that need to be introduced.

We cannot but commend this improvement and, in this context, we welcome the general agreement to initiate intergovernmental negotiations in a general informal meeting of the General Assembly during this current session to help realize the ideas that have been the subject of numerous discussions over many years and in the hope that consensus can be reached on solutions that will strengthen the role and effectiveness of the Security Council.

There is no doubt that agreement on any of the issues related to the question of expansion and reform of the Security Council during the consultation phase of the intergovernmental negotiations must result in a general agreement to guarantee genuine reform of the Council that would attain the approval and support of the general membership, thus facilitating its

implementation. This process must also give due consideration to transparency, good intentions and the avoidance of any individual moves aimed at achieving narrow individual interests.

The position of the State of Kuwait on the issue of Security Council reform is based on the following main principles:

The State of Kuwait supports the reform and activation of all United Nations bodies, foremost among which is the Security Council, in order to enable it to carry out its main function of maintaining international peace and security as mandated by the Charter. Any change in the composition of the Council's membership should not affect its capability and efficiency in taking the decisions necessary to confront international threats and dangers, but should rather lend more legitimacy and credibility to the Council's decisions.

With regard to reforming and improving the working methods of the Council and improving its relations with other main bodies of the United Nations, such as the General Assembly and the Economic and Social Council, we support all proposals aimed at lending more transparency and clarity to the work of the Council and easing the flow of information to and from Member States. We also support the need to fully respect the functions and competence of the other principal organs of the United Nations, particularly the General Assembly, as well as to define the role of the Council when discussing issues that threaten international peace and security.

We emphasize the need of the Council to adopt permanent rules of procedures to enhance and codify its procedures and working methods.

The State of Kuwait supports maintaining the mechanism of electing the non-permanent members of the Council, in accordance with Article 23, paragraph 2, of the Charter as this allows a greater chance for the group of small countries, to which we belong, to become members of the Council and participate in its work. We see a need to put limits and controls on the use of the right of veto, such as limiting its use to matters that fall under Chapter VII of the Charter.

Should agreement be reached on the number of new non-permanent seats, the distribution of these seats among the regional groups must take into consideration the significant increase in the number of Member States in the Asian Group.

Finally, we reiterate our support of all efforts to strengthen the performance of the Security Council, and hope that a consensual agreement, satisfactory to all sides, will be reached — an agreement that guarantees that the Council will carry out its functions as provided by the Charter with no obstacles.

Mr. Dapkiunas (Belarus) (*spoke in Russian*): We are grateful to the Security Council for the report on its work (A/63/2), but we have to note that this report still amounts only to a compilation of its various activities and thus, to a large extent, is a statistical journal.

We are convinced that the majority of delegations would like to receive an analytical document from the Council that would contain an in-depth analysis of various hotspots. Such an analysis of specific international situations could include several viewpoints, presented by various interested delegations.

In order to have a concise articulation of positions in the reports, delegations could be assigned a common text platform. This would allow for a standard approach to reflect differing positions and assessments. We would suggest that member States of the Council examine this proposal.

We would also call on delegations of the Council to look carefully at the proposal that was set out in the statement by the Non-Aligned Movement on the need to increase the quality of the monthly assessment reports furnished by Council presidencies. These reports should be analytical in nature and be prepared more promptly.

The work of the Council is distinguished by the variety of different activities and items. Each presidency tries to update the themes of Council meetings to make them more complete and substantive. To a large extent, we support having meetings on topical questions in order to elicit prompt responses to contemporary threats and challenges in the area of international peace and security, rather than including items on the agenda dictated mostly by national priorities in foreign policy.

We still call on the Council not to go beyond its competence by broadening its agenda and considering issues not within its scope. The Council's areas of competence are clearly set out in the Charter.

Today we are discussing Security Council reform in new conditions, the General Assembly having adopted decision 62/557, on the issue of intergovernmental negotiations. Belarus supported the work of the Open-ended Working Group. In our view, the Group has conducted painstaking work to achieve progress in defining a concrete formula for reform of Council membership. We believe that this Group has not yet exhausted its possibilities to advance Council reform and that it should determine the framework and conditions for conducting intergovernmental negotiations.

These negotiations must take place in an environment of increased trust among Member States and a careful search for balanced approaches to Council reform. We must not force the negotiating process if there are obvious and significant disagreements among different groups of countries calling for various reform models.

A new Council membership formula must not divide Member States; on the contrary, it should, to a large extent, bring them together for joint work to counter global threats and challenges in the area of international security. Council reform must first and foremost be effectuated in such areas as increasing the numerical membership and improving working methods.

We believe that the Council should remain a compact and capable body, one able to promptly and effectively respond to emerging threats to international peace and security. Concerning enlargement of the Council, Belarus continues to call for one more elected Eastern European member as a non-permanent member.

Under the current Council membership formula, there is insufficient representation of African, Asian and Latin American States. There must be better representation for small and medium-size States as well as developing countries.

Belarus believes we must focus as much attention on the Council's methods of work as it does on issues of membership enlargement. Recently, there have been some positive changes such as, first and foremost, on increasing the openness of the Council's work. For example, there has been publication of initial programmes of work, preliminary announcements in the *Journal* on scheduled official meetings and consultations, briefings for States that are non-members and open meetings. These methods of work have become Council practice and we welcome them.

We are convinced that the question of methods of work involves more than establishing internal rules of procedure for the Security Council. A key precondition for improving the work of the Council is creating an atmosphere of self-discipline and responsibility in determining its sphere of competence and in eliminating double standards in decision-making on important decisions.

Ms. Alzhanova (Kazakhstan): My delegation would like to thank the Permanent Representative of Costa Rica, current President of the Security Council for presenting to the Assembly the comprehensive report on the work of this principal organ of the United Nations (A/63/2).

We are pleased to note some progress in the improvement of the Council's working methods. Discussion of the annual report of the Security Council at the General Assembly, following its presentation by the permanent representative of Viet Nam last July, turned out to be a historic moment in the improvement of Security Council cooperation with the General Assembly.

We welcome the fact that, in recent years, the Security Council has taken measures to ensure its openness to non-members. Open thematic debates and interactive briefings are now held more frequently. That is a positive development in the work of the Council and we must encourage its efforts to take further steps in that direction.

We believe that issues recently debated in the Security Council such as the non-proliferation of weapons of mass destruction, the protection of civilians in conflict situations; children and armed conflicts; and women, peace and security, still rank high on the international community's agenda and require further effort.

We take positive note of the fact that matters of coordination and collaboration of the Security Council with other United Nations bodies and regional and subregional organizations are being regularly discussed. In this regard, we fully support the practice of open debates in the United Nations with the cooperation of regional and subregional structures for a

more profound understanding of the realities of individual Member States.

During the reporting period, the Security Council maintained its busy agenda on Africa, the Middle East, Europe, Afghanistan and other important issues. Certain progress has been achieved. Regrettably, however, we note that the Council sometimes failed to react adequately to serious challenges that directly threatened international peace and security — Kosovo and Georgia being two particular cases in point. On these issues, the Council presented itself as unable to agree even on press statements, let alone on the development of a common position on certain aspects of critical importance for the entire international community.

In a complicated and multidimensional international environment, there is vivid evidence that the United Nations role in conflict prevention and mediation, peacekeeping and peacebuilding is increasingly in demand. To adequately address new challenges and threats to international peace and security that could be easily brought on by global crises, the Security Council needs to approach issues in a different way.

My delegation would like to express its gratitude to the President of the General Assembly at its sixty-second session and to the four facilitators — the Permanent Representatives of Bangladesh, Chile, Djibouti and Portugal — for the report that was finally approved by consensus on the last day of the session (A/62/47). The report embraces the progress achieved so far, in particular during the Group's 2006 and 2007 sessions, as well as the positions and proposals of Member States. A 15-year deadlock was broken by the historic decision 62/557, which opened the door to intergovernmental negotiations on the substance of Council reform. We should not miss this chance for change, so that we can have a more representative, legitimate and transparent United Nations body responsible for the maintenance of international peace and security.

Kazakhstan reiterates that equitable representation of Member States in the Security Council could strengthen the Council's ability to effectively face the challenges of the twenty-first century and to play its role in the settlement of crisis situations. Asia, Africa and Latin America, as well as developing countries, should have wider representation in the Security Council and should be directly involved in the resolution of international problems.

Kazakhstan takes the strong position that expansion of the Security Council should be made in both categories, permanent and non-permanent seats; nevertheless, our country is exploring different options of agreeing on a way forward.

In conclusion, my delegation would like to make an appeal to Member States to conduct the negotiations in a spirit of cooperation in the quest for a compromise in order to speed up the process of reforming the United Nations as a whole and the Security Council in particular, for the sake of peace and development.

Mr. Davide (Philippines): I would like to begin by thanking the President for convening this plenary meeting for a joint debate on agenda item 9, on the report of the Security Council, and agenda item 111, on Security Council reform. As to the latter, the Philippines commends and salutes the President for his special interest in Security Council reform, particularly in the light of the theme of his presidency: democratization of the United Nations.

A very judicious, impartial and objective reassessment and review of the fundamentals relating to or affecting the Security Council — especially on the patent imbalance in the composition of its membership vis-à-vis the developing small Member States, the exercise of its powers including abuse or misuse of the veto power, its decisions, resolutions and actions and its working methods — readily discloses that the Security Council needs to be fully democratized. It is asserted, and quite correctly, in the report of the Austrian Initiative 2004-2008 that the Security Council is "legislator, judge and executive" (*A/63/69, annex, para. 3*). Definitely, when one body acts as such, democracy and the rule of law are, unfortunately, sacrificed, to say the least.

I thank His Excellency Ambassador Jorge Urbina of Costa Rica for introducing the annual report of the Security Council (A/63/2) and congratulate the Costa Rican presidency for its stewardship of the Council for the current month of November.

I would also like to take this opportunity to pay tribute to the efforts of His Excellency Mr. Srgjan Kerim, President of the General Assembly at its sixty-second session, and the members of his task force, the Permanent Representatives of Bangladesh, Chile,

Djibouti and Portugal, for their patience, dedication and hard work, which paved the way for and opened the door to the commencement of intergovernmental negotiations on Security Council reform through the adoption by the General Assembly in the last hours of the sixty-second session of the recommendations of the Open-ended Working Group on Security Council reform, now embodied, as amended, in General Assembly decision 62/557.

As regards the annual report of the Security Council, while the format has remained the same, my delegation has noticed small changes in some of the narratives, which, no doubt, indicate an effort to make the report more insightful and not just documentary. Nonetheless, the Security Council might consider looking at other options for improving its report to the General Assembly, including its format, to make it more comprehensive, informative and analytical. In its present form, the annual report is not actually a report, according to the true meaning of the word. My delegation maintains its view, expressed earlier during the 27 August 2008 Security Council open debate on working methods (see S/PV.5968), that the Council should take note of how the repertoire of the practice of the Security Council presents information and should consider combining or merging the annual report and the repertoire.

As regards the ongoing process on Security Council reform, my delegation reaffirms its full support for General Assembly decision 62/557, which I mentioned earlier. That decision clearly outlines the preliminary steps leading to the conduct of intergovernmental negotiations. In connection therewith, my delegation highlights two crucial dates: 1 February and 28 February 2009. The first of February is the deadline fixed in paragraph (c) of the decision for the submission by the Open-ended Working Group, through its Chairman, of the report on its consultations on the framework and modalities for the intergovernmental negotiations. The twenty-eighth of February is the latest date for the commencement of the intergovernmental negotiations, as mandated in paragraph (d) of the decision.

With those two time limits in mind, the Open-ended Working Group must now begin its work so that it can submit its report to the General Assembly on or before the first day of February 2009, so that the informal plenary of the General Assembly can start intergovernmental negotiations not later than 28 February 2009. Collective political will and utmost cooperation in good faith must be mustered to keep to the timetable. Yesterday, the Open-ended Working Group held its second meeting. I hope it can make faster progress.

My delegation, however, would like to reiterate its view, expressed during the final three meetings of the Group at the Assembly's sixty-second session and yesterday in the second meeting of the same Group, that the submission of the Working Group's report, under paragraph (c) of the decision, is not a sine qua non for the commencement of intergovernmental negotiations. While my delegation would prefer the Open-ended Working Group to come up with its report within the time limit, its refusal or failure to do so should not prevent the General Assembly, the superior body, from commencing, in informal plenary, the intergovernmental negotiations not later than 28 February 2009.

In short, the Open-ended Working Group, as a mere creature of the General Assembly, cannot hold the latter hostage. In the New Testament we find these words: "no slave is above his master" (*The Holy Bible, Matthew, 10:24*). Students of law are familiar with the maxim that the stream cannot rise higher than its source. This view should not, however, be used by the Open-ended Working Group as an excuse for not working hard enough. The Group should not stain or blemish itself with failure and go down in history in ignominy.

Concerning the substantive aspects of Security Council reform, my delegation reiterates its position, articulated many times before, that reform of the working methods of the Council is the least controversial element, is immediately achievable and must be considered and adopted forthwith. In its statement during the Security Council open debate on 27 August 2008, the Philippines mentioned that, in its working methods, now principally condensed in its provisional rules of procedure, the Security Council must strictly adhere to democratic practices and procedures, observe due process and guarantee fairness, justice and equity to all concerned.

Among the essential elements of these guiding principles are accountability, fidelity to the trust reposed in it by Member States pursuant to Article 24 of the Charter of the United Nations, predictability and transparency.

With those elements in mind, my delegation has made the following recommendations, which it now wishes to reiterate: first, the word "provisional" should be deleted from the title of its rules of procedure; secondly, rule 37 should be amended to grant those States non-members of the Security Council which are under the Council's scrutiny the right to be present and heard during all proceedings in regard to such scrutiny and in any incident which may arise from such proceedings.

Thirdly, rule 38 should be amended to enable draft proposals or resolutions submitted by non-Security Council Member States to be considered, acted upon and voted upon by the Security Council without the requirement of a request from a member of the Council. Fourthly, the number of meetings, including informal meetings, should be increased in order to hear the views of Member States.

Fifthly, full information should be provided to all Member States on issues deliberated by the Council. This can be accomplished by means of the Council's annual report by, inter alia, indicating within it how members of the Council voted and justified their votes and by explaining why permanent members of the Council exercised a veto when that was the case.

Finally, periodic reports or substantive summaries should be released by the Council to the General Assembly on matters with which the Council is seized during the course of each year, given that its annual report deals with matters considered during the preceding year.

On the issue of enlargement of the Council's membership, my delegation fully supports the proposal to enlarge both categories of membership, permanent and non-permanent, based on the principles of equitable geographic or regional distribution reflecting the increase in United Nations membership over the years. That may demand the application of the rule of proportional allocation or require balance due to contemporary geopolitical realities.

As the world's model of a fully functioning, participatory democracy whose Charter affirms the equal rights of nations large and small, the United Nations should have institutions that reflect and genuinely give life to that ideal. It would not only be a contradiction in principle and a factual anomaly, but also a gross injustice and a cruel inequality and inequity, if the character and status of the membership of the Security Council, one of the United Nations principal organs tasked with the maintenance of peace and security were to perpetuate one or all of these anomalies.

Further to the adherence to and application of democratic principles in the United Nations, Security Council reform proposals should also include ways and means to curtail the exercise of special privileges reserved for a few in order to lessen and remove discrimination against the vast majority of the general membership. A specific issue is the veto in its current form. My delegation looks forward to a judicious restriction of its use through: first, disallowing its use in cases of genocide, war crimes and crimes against humanity; and secondly, disallowing its use if the permanent member concerned is a party to an act under scrutiny or is involved in a conflict of interest situation.

We may also establish mechanisms to override the veto. In this connection, Member States should never forget that under Article 24 of the Charter, for the purpose of ensuring prompt and effective action, Member States conferred on the Security Council primary responsibility for the maintenance of international peace and security. Whether this be viewed as a surrender of part of the Member States' sovereignty, as discussed on page 449 of volume 1 of the second edition of Bruno Simma's *The Charter of the United Nations. A Commentary*, or as a mere delegation of powers, the fact remains that both may be withdrawn and a veto may be overridden by the General Assembly should the exercise of that veto be *ultra vires*. These are just and valid proposals to ensure the application and faithful observance of the principle of sovereign equality of all Member States as set out in Article 2, paragraph 1, of the Charter.

There is yet one more aspect of reform, still in the area of democratization in the Security Council. It is the patent and palpable discrimination against Member States which are not members of the Security Council in the matter of the elections of Judges of the International Court of Justice, contrary to the principle of sovereign equality of all Member States solemnly enshrined in the Charter. In the election of the Judges of the International Court of Justice, the members of the Security Council are each given two votes: one, as General Assembly members and a second, as Security Council members. There exists no valid and logical reason for this discrimination. This situation could

even create a greater evil whereby a mere majority of the 15 members of the Council may influence the final results of the elections in the General Assembly. This is an anomaly which should be corrected.

It should be noted that in the elections to the Security Council itself, the Economic and Social Council, the Human Rights Council and other bodies in the United Nations system, each Member State has only one vote. Worse yet, despite the criteria provided for in the Statute of the International Court of Justice, which prescribe only qualifications in Article 2 and representations of the main forms of civilization and of the principal legal systems of the world in Article 9, the permanent members of the Security Council always occupy a seat on the International Court of Justice, resulting in and perpetuating a gross imbalance in the world court. Why give the permanent members of the Security Council such a special privilege which could result in a continuing violation of the representation requirements?

Reforming the Security Council is akin to taking medicine for a chronic malady. We can no longer postpone it or pretend to do something about it because the systemic sickness is already affecting the whole Organization. My delegation prays that the Open-ended Working Group of the General Assembly will remain on course and comply seriously with the duties and responsibilities with which it was charged by General Assembly decision 62/557 and abide faithfully with the time limits prescribed therein. We expect intensive discussions, consultations and negotiations. The Philippines will do its part to contribute with heart, mind and soul to the birth of a reformed and democratic Security Council before the end of the sixty-third session.

Mr. Sajjadi (Islamic Republic of Iran): I wish to begin by extending our thanks to the President of the General Assembly for convening this meeting on the report of the Security Council to the General Assembly (A/63/2). I also thank the Permanent Representative of Costa Rica, the Council's President for November, for having presented the report to the General Assembly.

Impartiality, transparency, accountability and fairness are the key requirements on which the Security Council should base its approach to discharging its Charter-mandated responsibilities. To increase the transparency of its work and improve its working methods, the Council should seriously take into consideration the relevant provisions of the Charter as well as the resolutions which clarify its relationship with the General Assembly and other organs of the United Nations.

One more year has elapsed with no significant improvements in those vital areas I have just enumerated. Moreover, the reporting practice of the Security Council and the contents of its report remain as in the past. The report at hand, like those of previous years, refers only to cases where the Council has taken action while it clearly fails to address the Council's inaction in cases where it should have acted promptly. The crimes committed against the Palestinian people by the Israeli regime, which remains the most serious threat posed to regional and international peace and security, are examples of the Council's failure to act.

There may be differing views among Member States regarding how to enlarge the Security Council or how to proceed in order to achieve that goal. There may also be divergent approaches to the question of whether to merely add non-permanent members to the Security Council's composition or to add both permanent and non-permanent members. But there are no differences among Member States regarding the fact that the Council is certainly not responding to the needs, concerns and realities of the world today and should therefore be reformed, both in its working methods and in its decision-making processes, as well as in its composition and structure. We all know that, as it stands today, the Security Council is one of the most anachronistic international bodies and that it requires urgent comprehensive reform in order to meet today's needs and requirements.

We have noted that over the past few years, mostly as a result of the deliberations in the General Assembly's Open-ended Working Group, certain steps have been taken to improve the Council's working methods. The Security Council's open debate on 27 August 2008 (see S/PV.5968), in which issues related to Council reform were addressed, was another important step in that regard. However, it is common knowledge that, despite the appeals of the overwhelming majority of Member States, genuine transparency and real changes in the Council's working methods and decision-making processes have yet to be achieved.

In the period under review, we continued to witness numerous instances in which the Council failed

to carry out its responsibilities vis-à-vis non-member States. Those instances included, inter alia, a continued increase in the number of the Council's informal consultations, far beyond the exception that they were intended to be; the Council's disregard for Article 31 of the Charter by refusing to allow non-Council members to participate in discussions on matters affecting them and their interests; denial of the right of the countries concerned to brief the Council regarding their positions on issues directly affecting their national interests; selective notification about Council meetings; failure to convene regular daily briefings; and denial of the right of reply to countries against which allegations were raised during Council meetings in certain formats. Those are but a few of the shortcomings that must be effectively addressed if the Council's working methods are to undergo meaningful reform.

Even the content of the annex to the note by the President of the Security Council (S/2006/507), which recommends certain steps — modest and inadequate as they are — aimed at improving the Council's working methods, has not been fully implemented. For instance, despite the requirement set out in paragraph 42 of that document, which calls for consultation by the Council with

> "the broader United Nations membership, in particular interested Member States, including countries directly involved or specifically affected ... when drafting, inter alia, resolutions, presidential statements and press statements",

the general membership and even the countries concerned are, in many cases, kept totally uninformed about the negotiations on resolutions or statements directly affecting them, let alone asked to express their views on the Council's outcome documents.

Yet another example relates to paragraph 29 of the same document, which stipulates that

> "when non-members are invited to speak to the Council, those who have a direct interest in the outcome of the matter under consideration may speak prior to Council members".

However, on many occasions, the Council has refrained from giving the countries concerned the chance to speak before a vote and instead has allowed them to speak only after a decision has been taken by the Council and members have made their statements. Hence, less and less do the Council's decisions reflect the wishes and views of all United Nations Member States. Not only that, but, in many cases, these decisions do not even represent the true opinions of the Council's own membership.

Whereas, in accordance with the United Nations Charter, the General Assembly, as the chief deliberative, policymaking and representative organ of the United Nations, is entrusted primarily with the task of the progressive development and codification of international law, we have been witnessing an alarming trend in which the Security Council has been increasingly involved in law-making and norm-setting practices. That is a disturbing trend that runs counter to the letter and spirit of the Charter and that should be checked and reversed. Unnecessary and quick resort to Chapter VII of the Charter and the threat or use of sanctions in cases in which no action has even been necessary are other issues of concern to the general membership that have hurt the credibility and legitimacy of the Council's decisions.

Moreover, as rightly noted by the representative of Cuba in his statement on behalf of the Non-Aligned Movement, the Security Council's increasing encroachment on the prerogatives of other principal organs of the United Nations — particularly the General Assembly and the Economic and Social Council — and their subsidiary bodies, as well as technical bodies such as the International Atomic Energy Agency, is also of particular concern to Member States.

A case in point is the imposition on the Security Council by certain permanent Council members of the consideration of the peaceful nuclear programme of the Islamic Republic of Iran. During the period under review, and in a politically motivated move orchestrated by a few of its permanent members, the Council took a number of other unjustifiable and unfair measures against the peaceful nuclear programme of the Islamic Republic of Iran. We believe that the Council's actions on Iran's peaceful nuclear programme run counter to the provisions of the United Nations Charter and are unwarranted. Iran's nuclear programme is absolutely peaceful and cannot be characterized as a threat to peace by any stretch of law, fact or logic. Therefore, it does not fall within the Council's purview.

We believe that meaningful reform of the Security Council can be achieved only by addressing

the aforementioned shortcomings and dealing in a serious and meaningful manner with the question of the underrepresentation of developing and Muslim countries in the Council.

Before concluding, I wish to stress that, as the President of the General Assembly proceeds in carrying out the difficult but important task bestowed upon him — that of moving forward the process of Security Council reform — he will always find us beside him, offering our sincere help and constructive support.

Mr. Heller (Mexico) (*spoke in Spanish*): I wish to begin by noting that Mexico views favourably the improvements reflected in the introduction to the report that the Security Council is presenting this year to the General Assembly (A/63/2), improvements that are oriented towards an analysis of the work of the Council's work and are not confined to description. We are particularly grateful to the representative of Costa Rica, Ambassador Urbina, for introducing the report, and also to the members of the delegation of Viet Nam for their efforts in this regard. As we have stated on earlier occasions, we believe that that should be the thrust of the report of the Security Council, in order to enable the General Assembly to effectively evaluate the Council's activity.

However, in spite of the progress noted, the report as a whole continues to suffer from the defects that, year after year, have been pointed out by various delegations and that call into question the usefulness of this exercise. In effect, the compilation of data and documents published by the Security Council in this report greatly restricts the discussion and analysis of the Council's activities, making this tool a descriptive document that offers little scope for constructive participation by Member States.

The defects seen in this report result from the working methods of the Security Council, which do not clearly establish the direction that the report should take and which, unfortunately, foster its descriptive nature. Traditionally, the Council has been reluctant to inform the General Assembly about its actions. However, the very existence of this report and its recent evolution towards being a more analytical document cause us to think that over time the general will will succeed in imposing itself over the traditional opacity that has prevailed in the Council. As we have stated on many occasions, strengthening the transparency of the Council and the link between it and the Assembly will be among Mexico's objectives as it begins its membership in the Council in the near future.

Beyond the analysis of the content of the report, this opportunity also enables us to evaluate the question of the reform of the Security Council through the activities of the Open-ended Working Group on the Question of Equitable Representation on and Increase in Membership of the Security Council and Other Matters Related to the Security Council. As a result of the complex discussions that took place during the last few days of the sixty-second session, Member States decided to give a significant impetus to this important reform by agreeing that at its sixty-third session the General Assembly would finally begin intergovernmental negotiations on reform of the Security Council.

This compromise, arrived at by means of a common effort to achieve a consensus solution, enabled us to establish a clear sequence for the start of intergovernmental negotiations in conditions acceptable to all. By means of decision 62/557, the Member States agreed that the Open-ended Working Group would continue to carry out its functions in order to establish the framework and modalities for the intergovernmental negotiations in order to — and I quote from paragraph (c) of the decision — "prepare and facilitate" those negotiations (*see A/62/47, para 23 (c)*). Later, the Chairperson of the Working Group will present the result of these consultations to the Assembly, thus preparing the way for the beginning of intergovernmental negotiations in February 2009 in an informal meeting of the General Assembly.

We are certain that that historic decision and respect for the calendar contained in it will help to achieve reform that is truly representative of the general will and that will embody the broadest possible political agreement among the parties.

Mexico is firmly committed to this process and to the need to begin these negotiations in a climate of trust and mutual respect, and without arrogance. For this reason, together with the delegation of the Republic of Korea, we have proposed a timetable for the upcoming meetings of the Open-ended Working Group that aims at facilitating discussions on the principles and proceedings of the intergovernmental negotiations, with a view to achieving a firm

agreement on their parameters. We are convinced that respect for the sequence embodied in decision 62/557, as noted yesterday by the President of the General Assembly, will make it possible for us to achieve Security Council reform that will genuinely represent the interests of all Member States.

Security Council reform is a matter of vital importance for the reform of this Organization, and it should be understood within its broadest objectives. My delegation will therefore promote comprehensive reform of the Council that improves its working methods, efficiency and effectiveness, with the goal of improving the system of collective security and giving it greater legitimacy, always taking into account the broadest possible political agreement among the parties.

In order to achieve that objective and forge a Council that is truly representative of contemporary global balances, Mexico favours expansion in the category of non-permanent members of the Council, which would make it possible for a larger number of States to participate in the Council, particularly small States and those that have never taken part in the Council's work. In a similar vein, we believe that an increase in the number of permanent seats would generate fresh inequalities and discrimination within the Organization and would affect the effectiveness of the work of the Council.

Democratization and accountability are, for my delegation, fundamental elements in any reform of the Security Council, always upholding an equitable geographical distribution of the States participating in that body. Therefore we continue to be in favour of introducing the principle of re-election, which would guarantee a more frequent presence of those States that are most ready to play an active role in the items on the Council's agenda and, in parallel, would help to ensure accountability on the part of the non-permanent members.

We are embarking on a new phase in the history of reform, and we should welcome it with commitment and with caution. The work of the Open-ended Working Group to establish the framework and modalities for the intergovernmental negotiations that will begin shortly will be fundamental if we are to achieve successful reform.

Mexico is committed to reform of the Security Council, and we assure the Assembly once again of our full readiness to participate in the consultations that the presidency may consider necessary and to cooperate with a constructive and purposeful spirit in the design of a process that will enable us to move forward at this definitive moment for the future of the Organization.

The Acting President: We have heard the last speaker in the debate on the agenda item for this meeting. We shall continue the debate on this item tomorrow morning at 10 a.m.

A representative has requested to speak in exercise of the right of reply. I remind the Assembly that statements made in exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second intervention and should be made by delegations from their seats.

I call on the representative of Morocco.

Mr. Chabar (Morocco) (*spoke in French*): Given the lateness of the hour, I beg the Assembly's indulgence. I will not be very long.

Once more, Algeria has given us a deliberately biased and narrow viewpoint on the question of the Sahara. This time, that viewpoint borders on the ridiculous, proceeding as it does with a deliberately selective reading of the situation, which itself has its roots in the bad faith that, unfortunately, we are accustomed to from that neighbouring country.

On the question of the Sahara, my delegation would like to recall that the Security Council has been working on this issue and has adopted three fundamental and substantive resolutions. First, the Council took note of the autonomy proposal submitted by Morocco and welcomed the serious and credible efforts that my country has made to develop that proposal. Secondly, the Council called on the parties to engage in substantive negotiations in order to bring about a negotiated political settlement of their differences. Thirdly, the Council called on the parties to exhibit realism and a spirit of compromise in order to achieve progress towards a final solution of this regional dispute.

We are pleased that the General Assembly, through resolution 62/116 of 2007 and now Fourth Committee draft resolution A/C.4/63/L.7, shares the same approach as the Security Council and adheres to the recommended path to solve, once and for all, the regional dispute that has lasted too long. My delegation would also like to emphasize that the current dynamic — which has been very much triggered by the Moroccan proposal, in spite of the neighbouring country — has led to four rounds of negotiations and

consequently to a process that is now being fully supported by the international community.

We have reached a critical point in the treatment of this issue by the United Nations. The international community has the political and moral duty to support it and encourage it fully, because it concerns the stability of a region that is confronted today with new threats, such as terrorism. My country remains actively involved in the search for a political solution to this dispute, in accordance with Security Council resolutions, the tenor of which is now shared by the General Assembly.

With that in view, we hope that Algeria will desist once and for all from the duplicity that has always marked its position in this regional dispute. We believe that trying to blunt every serious chance of settlement is not the best way to achieve the solution so sought after by the international community. It is not a way to bring about a Maghreb reconciled with itself and ready to take up the challenges, which today are democracy and the building of a space of shared prosperity. That is the appeal that the Kingdom of Morocco makes today to Algeria.

The meeting rose at 6.15 p.m.