



PAKISTAN

PERMANENT MISSION TO THE UNITED NATIONS

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**Remarks by
Ambassador Abdullah Hussain Haroon,
Permanent Representative of Pakistan
in the informal plenary meeting of the
General Assembly
on the question of equitable representation on
and increase in the membership of the
Security Council and related matters**

New York
4 March 2009

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Categories of Membership

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1. We are beginning negotiations on one of the most crucial and complex issues at the United Nations. Pakistan will engage constructively in this process, cognizant of the history of discussions on this issue, but also with a firm willingness to achieve progress.
2. The agenda today is the question of categories of membership. As I said before, it would have been more logical from the negotiations point of view, to start with the issue of size. In any case, there is a general sense among the membership that all the key issues to be taken up in the first round are equally important and closely inter-linked. They cannot be discussed or decided upon in isolation. We therefore proceed with the understanding that through these negotiations we are seeking a comprehensive package of reform to be agreed under the principle of single undertaking.
3. We are looking forward to genuine negotiations. We understand your desire to go "very far very fast". Being in the driver's seat, it is up to you to see what speed you could handle safely. We believe, the priority at this stage should be to establish the process on a firm footing. For that it is essential that negotiations be substantive. It is not merely a question of indicating preferences but to promote an understanding and justification for those choices to reach compromises. We need to go into the core of the issues in order to achieve a real reform.
4. The issue of categories is no doubt difficult and most divisive. The divisive aspect, it seems, is more due to a selfish and non-democratic demand of a handful of countries that are seeking special status, than an honest analysis of this issue vis-à-vis the main objectives of reform.
5. Under the Charter there is only one clear category that is non-permanent members. There are five permanent members. It is not a category. The permanent members are mentioned by name and their prerogatives and powers spelt out. The non-permanent members are elected by the General Assembly. They have term of 2 years and there is a bar on immediate re-election. For non-permanent members, the Charter outlines criteria for election (in Article 23.1). There is no criteria for election of permanent members. They are just there. The aspirants, as we know, also just want to be there. But that may be their idea of reform. We have a different approach, which is based on principles.
6. **Pakistan supports increase in the non-permanent members only.** We are opposed to any increase in individual or national permanent members for the following reasons:

- i) Permanent membership is contrary to the principle of sovereign equality of states.

- ii) Increase in permanent members runs counter to the very principles and objectives of reform. Many of the problems that we want to address through reform are attributed to the permanent members. Enlarging the oligarchy will increase these problems. It will make the Council less democratic, less representative, less transparent, less effective and less accountable. Because of time limit, I am circulating with my remarks some additional points in this regard for member states consideration.
- iii) Increase in national permanent membership is unrealizable. In fact this is the issue that has blocked progress so far despite wide consensus in favour of reform. It has created divisions in regions. It has weakened the reform effort, also enabling the existing permanent members to preserve the status quo. The P-5 have rejected the extension of veto. Some of the aspirants are prepared to become permanent members without veto thus contradicting their claims of counter-balancing the P-5. Adding new permanent members will continue to be difficult. This is where a genuine compromise was required. This was the main conclusion of the Facilitators reports (A/61/47), of which you have listed excerpts in your letter of 2nd March.

7. Caution must be exercised in referring to a broad and generic category of permanent membership. Several proposals of different nature have been made, for example:

- permanent members with veto;
- permanent members without veto;
- permanent members with veto in abeyance till a review is held;
- permanent members or seats for developed and/or developing world;
- seats of permanent nature envisaged in some interim solutions;
- permanent seats allocated to regions or groups of states (with or without rotation);
- permanent representation for regions or groups of states with rotation;
- permanent seats, allocated to a particular region or group of states, with a regional/group mechanism to determine the modalities for representation such as allocation of seats to member states within the region and possibility of selection by the region.

8. In terms of representation, in any expansion, each permanent seat added on a national basis will be a permanent blow to the chances for the rest of the membership to become member of the Council.

9. On the other hand regional representation ensures broader participation. The African position, which is the result of consensus, is a position taken for and on behalf of the region, and is thus different from those who seek seats for themselves. That is why we have expressed our understanding and respect for the African common position and we are ready to explore how this regional approach can be a basis for similar arrangements in other regions.

10. There are other positions which we also support such as the Arab demand for permanent "representation" of which the essential element is the sharing of the seat by the members of the group through "rotation". The OIC demand, also on behalf of the group, is for adequate representation in any expansion of the Security Council. It is not a demand for any individual country. Seats allocated to the OIC will be available for all members through a system of rotation.

11. There are several proposals for expansion in the non-permanent member category:

- First, is to increase the number of regular 2-year non-permanent seats. It can improve representation based on equitable geographical distribution, addressing in particular the under-represented regions and groups. [Resolution 48/26 recognized the need to review the membership of the Council and related matters in view of the substantial increase in the membership of the UN especially of developing countries]. 2-year seat is the most equitable and fair option by any comparison, mathematical calculation or mode of representation. It is non-divisive and the easiest course of action. There is broad consensus around this option. No one opposes it. **It continues to be our preference.**
- Other proposals have been advanced to provide flexibility and innovation in how representation under non-permanent category could be made more responsive to the various positions, including the possibility of more frequent or longer representation on the Council by those who consider they have the capacity and the qualifications for that. These proposals include:
 - Allowing immediate re-election;
 - Increasing the term from the present 2 years to - number of years;
 - Various combinations of the above two (so-called intermediate options);
 - There are questions whether these proposals should apply to all or only some of the additional non-permanent seats, and whether they should also apply to the 10 existing non-permanent seats;

12. As a demonstration of flexibility, Pakistan and other members of the Uniting for Consensus, are open to considering these possibilities to work for feasible and equitable options. Having considered the views of many countries in particular the concerns expressed by small states, we think that it will be prudent to leave the 10 current non-permanent seats untouched. Options for re-election and longer term could be considered on some of the new non-permanent seats to provide for fair rotation and opportunities for representation for all. The remaining should be regular 2 year seats. Balance could be attained between accountability, enhanced representation and equitable geographical distribution. It is obvious that seats providing for frequent or longer-term representation will have to be regional, not individual or national seats. The regions may then determine appropriate mechanisms for rotation, re-election and a reasonable tenure so as to accommodate the aspirations and interests of their members. Of the non-permanent seats to be added in any expansion, we would be willing to consider that a certain number would be regional seats of this kind, providing for longer term or more frequent presence. Also in deference to the concerns expressed by many states, we would need provisions to avoid flip-flop between various categories. In allocation of new seats to regions, preference will be given to under-represented regions of Africa, Asia and GRULAC. Representation of cross-regional groups such as OIC/Arab group will need to be accommodated through appropriate arrangements such as sharing of seats between Asia and Africa on rotation basis.

13. Let me make it clear that any ideas whether for permanent or interim solutions that provide for longer term or re-election or their combination, which would in effect amount to "permanence" are not acceptable to us.

14. We are conscious that no option for frequent or longer-term presence can be as equitable and fair as the regular 2-year seats. Our flexibility on this is therefore at a cost. However, we cannot continue to hold out this offer if there is no flexibility from the other side to reach a reasonable compromise. **Therefore let me say that in case of no agreement on other options or categories of membership, our fall back will be the NAM fallback position i.e. expansion should take place only, for the time being, in the non-permanent category.**

15. It should also be kept in mind that the nature of expansion is linked to the size of expansion. Therefore, smaller the expansion, lesser would be the possibility to provide for more frequent representation through re-election or longer term. 2-year seats have to be given **priority** in any expansion.

16. I would like to note that while we take up various options on categories, nothing is excluded from the scope of negotiations. The status of the current permanent members is therefore also on the table, both in the context of category and veto.

17. Lastly I would like to mention the issue of representation of small states and medium sized states, which constitute the vast majority of the UN membership. Having reviewed various models, we have concluded that allocation of seats in any category on traditional geographical basis, does not really serve the legitimate expectation of small states to serve on the Council. Small states in particular are disadvantaged when competing against bigger states. Of 42 small states, 37 have never been elected to the Council. The best way of ensuring their representation is to allocate a seat specifically reserved for them irrespective of geographical distribution. So this is our proposal. In our view consideration should also be given to similar allocation for medium sized states. In addition to the seats reserved for them, small and medium states will also be eligible to run on all other available seats thus enhancing their chances of serving on the Council.

Thank you.

Representation of Small States and Medium Sized States

1. The membership of the Security Council was last expanded through Charter amendment in 1963. By that time the membership of the United Nations had risen from 51 (in 1945) to 113. The total membership of the United Nations today stands at 192, of which 113 are small and medium states. Of the 79 countries that have become UN members since 1963, a vast majority belong to the developing world. 68 of these 79 countries are small and medium states. Adaptation of the Security Council to these changes is a matter of urgent priority.
2. While the small and medium states attach great importance to the improvement of working methods of the Security Council, they have legitimate expectations of serving on the Council.
3. Of the 42 small states (population less than 1 million), 37 were never elected to the Security Council (4 from Africa; 11 from GRULAC; 15 from ASIA; 1 from EEG; 6 from WEOG). Of the 71 medium sized states (population between 1 and 10 million), 27 were never elected to the Security Council.
4. These countries are always disadvantaged while competing against larger states for a seat on the Security Council. Therefore whatever expansion takes place in the specified geographical groups it will be of little benefit to the small countries in terms of increased chances of representation. Consideration should therefore be given to allocation of 1 seat reserved for small states and 1 seat reserved for medium states irrespective of the geographical distribution.
5. Small and medium states from all regions will benefit from these seats. This will be particularly advantageous for a number of Island and Caribbean states.

Permanent Membership versus principles and objectives of reform

UN Charter principles

1. Reform should conform fully to the basic principles of sovereign equality of states and equitable geographical representation. Proposals for permanent membership on national basis contravene the principle of sovereign equality. This unequal treatment of member states is unlikely to garner the widest possible acceptance of the membership.

Representation

2. A reformed Council should be broadly representative of the general membership. It should take into account equitable geographical distribution. The new composition should also ensure adequate representation of sub-regional as well as other important political and inter-regional groups such as the League of Arab States and the OIC. In particular, the expansion in Council's membership should ensure greater representation of developing countries and small and medium sized countries, which form the bulk of the UN membership and also largely account for the increase in the UN membership over the last 4 decades. Adequate representation of regional and sub-regional groups and other political groups and different forms of civilization will impart legitimacy to the Council's decisions. The best way to guarantee wider representation of the UN membership on the Council is through non-permanent seats, rotation and regional representation. National permanent membership is contradictory to the objective of broader representation.

Legitimacy

3. The seekers of permanent membership argue that Council's decisions will have more legitimacy if new permanent members are added. This is a fallacious argument. The legitimacy of the Council's decisions is derived from the Charter. It has no direct relation to the composition of the Council at any point of time. The legitimacy of the Council's decisions will, however, improve if the Council becomes more transparent, democratic and accountable and broadly representative of the general membership. Adding a few permanent members will also alienate other important countries and would affect the Council's effectiveness and legitimacy.

Democratic reform

4. There is general agreement that the Council needs to be more democratic in its composition and decision making process. However, some reform proposals, in particular on enlargement, are in essence un-democratic. Some proponents of democratic reform are fundamentally opposed to the notion of periodic elections and accountability. Permanent membership is counter to the precepts of democracy. It is a vestige of the past, an anomaly which should not be exacerbated. Permanent membership, in its two main characteristics, i.e. permanency and veto, flouts the principles of sovereign equality, democracy and accountability. No democratic system entitles the winner of a single election to remain in office forever. The notion of permanency is the biggest and natural obstacle to accountability.

5. The vast majority of the current UN membership had no choice regarding the existence of five permanent members in 1945. Today, they do have a choice. They cannot be expected to choose to anoint additional states with special privileges and to accept for themselves a second-class status in the Organization.

Accountability

6. The accountability of the Security Council to the general membership flows from the Charter. In order to enhance accountability, the Council has to be more democratic. Unfortunately, permanent members of the Council are not answerable to the general membership for their performance or actions. The permanent members represent their own interests, not the interests of any regional groups. The elected or non-permanent members on the other hand owe their tenure in the Council to their election by the General Assembly, and are therefore subject to accountability and peer review. The best way to increase the accountability of the Council to the General Assembly is therefore to increase the role and authority of the latter in determining the representatives on the Council. This could only be done through a system of period elections and fair rotation. An increase in the number of non-permanent seats would therefore enhance the accountability of the Council. On the other hand, increase in the permanent category, even though elected by the General Assembly, would not enhance accountability, as it would only be a one time process and new permanent members, once elected, will not be further answerable to the general membership.

Effectiveness and transparency

7. How reform of the Council would enhance its effectiveness is not clearly defined. Many believe that the Council is an effective organ. Others, however, believe reform could increase the Council's efficiency and effectiveness. Effectiveness of the reformed Council is often related to its size. Those arguing for limited expansion consider that a large Council could become unwieldy and lose its effectiveness. Others do not consider that a larger Council might necessarily become less effective.

8. Some member states argue that the influence of the current permanent members can only be countered by adding new permanent members. Only this, they claim, can bring about the real reform of the Council, including an improvement in its working methods. This too is fallacious. Veto-less permanent members would not be in a position to wield the same influence on Council's decision making as the existing permanent members. Individual permanent members represent only their national interests, not the interests of their respective regions. So their weight would be less. And once the new permanent members are part of the elite club, there will be less zeal for reform. There is no reason to believe that new permanent members will change the power structure of the Council, its decision-making or transparency. In fact a larger number of permanent members would further aggravate the exclusive and elitist culture of the Council. At present, the Council has to reconcile the positions of the 5 permanent members. An enlarged Council with additional permanent members will need to reconcile the interests and positions of 10-11 permanent members rendering decision-making more non-transparent and cumbersome and thereby affecting Council's effectiveness and legitimacy.