

Statement by H.E. Mr. Saviour Borg, Ambassador and Permanent Representative of Malta to the United Nations, at the Informal Meeting of the General Assembly on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council – Tuesday, 17th March 2009

Mr. Chairman,

Thank you for convening this meeting and for giving us the opportunity to deliberate on another key issue for UN Security reform.

In considering the use of the veto we must not forget that this issue forms part of a package of five key issues for a UNSC reform and therefore cannot be considered in isolation.

It is acknowledged by a number of UN Member States that the veto is a right and a privilege of the current permanent members and of the aspirants for additional permanent seats, if and when it is decided to increase the number of seats in the permanent category. This is clear for example in the position being taken by the African Group which in the Ezulweni Consensus it is stated that Africa must have “not less than two permanent seats with all prerogatives and privileges of permanent membership including the right of veto.” At the same time, the Ezulweni Consensus goes further by declaring that “even though Africa is opposed in principle to the veto, it is of the view that so long as it exists, and as a matter of common justice, it should be made available to all permanent members of the Security Council.”

The question then arises as to whether these intergovernmental negotiations on the use of the veto, its abolition or modification, can take a real meaning if we do not know or first agree whether to have new additional permanent members or not! While in the last session of these intergovernmental negotiations on 4 March 2009 a number of delegations indicated that they are in favour of an expansion in both categories of membership in a reformed UN Security Council, yet a number of delegations also expressed an opinion in support for an intermediary approach which would not include permanent membership and therefore logically no additional members with the prerogatives of the use of the veto.

My delegation feels that in the circumstances it would be opportune if these intergovernmental negotiations review the use of the veto in its totality including the possibility of limiting its use by the current permanent membership.

In this regard, another key issue which forms part of the whole package for a UNSC reform, is the important link which the UNSC has with the UN General Assembly and the role which the General Assembly should by force play in those instances where because of the exercise of a veto by a permanent member, action is blocked in the maintenance of international peace and security. Some very interesting proposals have been put forward in this regard and we would like to see that these proposals are also considered when this

Informal Plenary starts discussion on another key issue – the working methods of the Security Council.

While noting the proposal made by some Member States to make “a pledge to exercise the veto with restraint,” my delegation feels that such a pledge in reality does not limit or remove the right and privilege of the use of the veto by a permanent member. Again there arise certain conditionalities in what document A/61/47 has recorded, namely, “indirect limitation/mitigation of the veto and the influence of permanent members could be achieved to some degree through the cumulative impact of reform.” Two conditional phrases “could be achieved to some degree” and “through the cumulative impact of reform,” which continue to cast serious doubts about the veracity of such pledges and therefore the real intentions behind such pledges of any new aspirant for permanent seats. Indeed, such positions questions a possible guarantee for such limitation/regulation of the use of the veto by new permanent members and to that effect by the current permanent members.

Moreover, an issue which these intergovernmental negotiations have still to consider and which will have a direct impact on the retention or removal or limitation of the veto is the question of the size of an expanded UN Security Council. In the meeting held on 4 March 2009, we heard a few delegations express support for four particular countries for permanent membership. If we were to add the two permanent members proposed by the African Group, this would mean a total of six new permanent members. If then we add the current 5 permanent members, this would result in having 11 countries in the permanent category of the Security Council. Then one could ask, how many additional seats would be left to be filled by those countries aspiring for a non-permanent seat and therefore the chances of representation for the rest of the UN membership, particularly for the vast majority of small and medium States? This would also bring with it the question to be resolved as to what majority is required for adoption of substantive decisions in an enlarged Security Council in accordance with Article 27 of the Charter. Would the addition of new permanent members with the same rights and privileges of the current five permanent members, particularly in the exercise of the veto, facilitate decisions or complicate negotiations on critical issues?

Mr. Chairman,

The decision-making process in the UN Security Council continues to be considered as an important issue for the whole UN membership as decisions and resolutions and their implementation have a special effect on whole populations and situations in every corner of the world. While acknowledging that the Charter of the UN grants the permanent members a veto also against any changes to the Charter as already declared by most permanent members which base their acceptance of enlargement and other reform of the Council “on preserving the essence of their veto power”, yet, the vast majority of the UN Membership strongly believes that the UNSC must now reflect the realities of the world political situation especially the increase in the Membership of the United Nations since the San Francisco Declaration of 1945. In this respect, there is a strong perception in the UN membership that the retention of the veto and its extension to new permanent

members, would continue to make the Council less democratic, less representative, less transparent, less effective and less accountable. It is therefore of no surprise that a considerable number of UN Member have been calling for a serious review of Article 27 of the UN Charter which would take into consideration all proposals particularly those already tabled in this and other meetings.

Thank you.