



PHILIPPINES

STATEMENT

Delivered by

H.E. Mr. HILARIO G. DAVIDE, JR.
Permanent Representative of the Philippines
to the United Nations

at the

10th Informal Meeting of the plenary on the intergovernmental negotiations
on the Question of Equitable Representation on and Increase in the
Membership of the Security Council and Other Related Matters
(Regional Representation)

24 March 2009
10:00 a.m.
Conference Room 4

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Thank you, Mr. Chair for recognizing the Philippines. Thank you, too, for your letter of 20 March which deals specifically on the issue for this meeting: the question of regional representation in the Security Council.

Let me start with this disquieting and discouraging statement: Article 23 of the Charter of the UN on membership of the Security Council does not, as pointed out by Germany, mention regional representation. It speaks of “**equitable geographical distribution.**” As to this, its application is only to non-permanent members. I quote the pertinent portion of Article 23:

“The General Assembly shall elect ten other Members of the United Nations to be non-Permanent members of the Security Council, due regard being specially paid, in the first instance, to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.”

But we should not be discouraged at all. As to “equitable distribution, equitable or balanced “regional representation” is the closest to it, and as I shall later show, this scheme had earlier been adopted by the General Assembly. That adoption established a precedent which we must honor.

I respectfully submit that there can be no acceptable valid argument against or opposition to the establishment and maintenance of a regional balance in the matter of representation in the Security Council. Regional balance is the only fair, just and equitable way to make the Security Council truly representative, democratic, transparent, accountable, responsive and responsible. We have always to keep it in mind -- and never forget - that insofar as the primary responsibility for the maintenance of international peace and security is concerned, the Security Council, under Article 24 of the Charter, merely exercises a delegated authority from the Member States. Put more concretely, it is an agent of the Member States. Hence at all times, it must be truly representative, democratic, transparent, accountable, responsive and responsible. This can be accomplished, I repeat, through equitable regional representation.

As to the first criterion on contribution to the maintenance of international peace and security, Bruno Simma, in his book **The Charter of the United Nations, A Commentary** (vol. 1 second ed. P. 440), asserts that the so-called primary consideration of "contribution to the maintenance of international peace and security" has been completely neglected in favor of the criterion of equitable geographical distribution. I would say, however,

that it should not be completely neglected; rather, I assert that, it is a criterion which all Member States of the UN are presumed to have complied with. This presumption proceeds from the generally accepted principle that each Member State is peace-loving and acts in good faith. Under Article 4 of the Charter, membership in the UN is open only to peace-loving States. One admitted to the UN as a Member is presumed "peace-loving." Good faith is, likewise, presumed. Besides, the requirement of contribution to the maintenance of international peace and security is very vague. Is it contribution in terms of money? or in terms of military power or support? If these were so, developing Member States would forthwith be excluded. And yet these Member States may have even contributed more in some other respects to the maintenance of international peace and security, like preventing wars, conflicts, and terrorism and promoting regional peace, which is crucial to international peace and security.

Now, on regional representation. I respectfully submit that a more balanced, equitable, practical or realistic and expeditious way to achieve it is not to strictly go by the geographic configuration of the world but to consider the existing accepted, recognized and honored five (5) regional groupings of Member States, to wit: (1) The African Group, (2) The Asian

Group, (3) The Eastern European Group, (4) the Latin American and Caribbean Group, and (5) The Western European and Other States Group. This scheme of distribution was prescribed by the General Assembly in Resolution 1991, adopted on 17 December 1963, when Article 23 was amended to increase the number of non-permanent seats from six to ten. Five of the 10 were allotted for Africa and Asia (3 and 2, respectively), one for the Eastern European, two for the Latin American States and two for the Western European and Other States. Then we leave to each Group the adoption of a rule or procedure to justly and equitably rotate among the Member States of the Group the election to the Security Council to ensure that all such Member States would be assured of a right to be elected to the Security Council. This rule or procedure would be the most democratic. The endorsement by a Regional Group in this regard must be respected by the General Assembly during the election to ensure that the Region's choice is honored. However, if it is believed now that the Regional groups might find it extremely difficult to prescribe the rule, then it can be prescribed by the General Assembly in the amendment to the Charter, perhaps by adding a paragraph to Article 23 thereof.

In the document on Security Council Reforms which the Philippine Mission transmitted to the President of the General Assembly on 14 February 2009 per note 000039, copies of which were furnished all the Permanent Representatives on 16 February 2009 per note 000181, the Philippines proposed, for consideration in the intergovernmental negotiations, these additional seats in the Security Council for each of the five Regional Groups:

1. **Non-Permanent Seats** – two each for the African, Asian, and Latin American and Caribbean Groups; and one each for the Eastern European and the Western European and Other States Group.

2. **Permanent Seats:** Two each for the African, Asian, and Latin American and Caribbean Groups; and one each for the Eastern European and the Western European and Other States Group.

Why did we include increase in the Permanent seats? What would be the basis therefor since as earlier mentioned Article 23 of the Charter prescribes the criteria only for non-permanent Members? The basis, of

course, is the inherent or plenary power of the General Assembly to amend any part of the Charter to democratize and make truly representative, transparent, accountable for the Security Council in both categories of membership. In this regard, we should take note of the fact that the Western European and Other States have three Permanent Members (France, UK and US), Eastern Europe has one (Russian Federation) and Asia has one (China). The African Group and the Latin America and the Caribbean Group -- zero. Behold the imbalance and inequity!

What should be the criterion for the election of the new Permanent Members? We should not look for other criterion. It would only confuse and complicate the issue. Simply apply the criterion of regional balance or regional representation. This is the more permanent criterion. All others may be temporary. For instance, the state of development. Countries which are now developed may be less developed 10 or 20 years from now. On the other hand, countries which are now developing may graduate into developed countries 10 or 20 years from now.

It may be argued that our proposal for expansion in both categories of membership in the Security Council would make it an unwieldy bunch of

noisy States, which make it ineffective and inefficient. I do not think so. Because of the expanded membership, peer pressure and the higher sense of responsibility and accountability will guide the conduct of the Members. I trust in their inherent goodness.

I thank you, Mr. Chairman.