

Statements and Speeches

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Statement by Dire Tladi, Legal Counselor of the South African Permanent Mission, during the Intergovernmental Negotiations on the Reform of the Security Council

1 September 2009

Mr. Chairman,

Allow to begin by thanking you for your letter of 12 August and also for the fair manner in which you have conducted these negotiations. We welcome, particularly, the possibility to air our views on all five key issues in a manner that would allow for coherence.

The contours of the desired outcome have already been laid out for us in the World Summit Outcome Document of 2005, in which our leaders agreed that the Security Council has to be reformed in order to make it "more broadly representative, efficient and transparent" in a way that would "enhance its effectiveness, and the legitimacy and implementation of its decisions". It seems clear to us, therefore, that the options of Security Council reform before us must be considered against these contours.

The various options on categories of membership and size must be judged against the requirement that the Council should be "broadly representative" and have enhanced "legitimacy". Both of these requirements encapsulate the theme of my delegation's participation in the course of these negotiations, namely that there is a need for fundamental reform of the Council which changes the balance of power in a meaningful way.

Mr Chairman,

I prefer not to state the obvious, but it is unfortunately necessary. There is, generally in the Council, insufficient representation of developing countries. Out of fifteen members, Africa only has three seats, all of which are non-permanent, Asia also has only three seats, GRULAC has two, Eastern Europe has 2 and WEOG has five seats, three of which are permanent. Needless to say this is a system that is out of balance. The poor representation of developing countries, particularly Africa, GRULAC and small developing countries presents a historical injustice as noted by the NAM and a distorted picture of the current geopolitical state of affairs and is certainly not in keeping with fairness, equity or legitimacy.

In addition to the insufficient representation of developing countries generally on the Security Council, there is absolute non-representation of Africa and GRULAC in the permanent category, a situation which is as unfair, as inequitable and contributes as much to the illegitimacy in the Council as the general insufficient representation of developing countries on the Council. It has been noted over and over again that Africa with 53 countries and which accounts for, by far, the largest percentage of situations on the agenda of the Council is not represented in the permanent category.

These Mr Chairman, are the incontrovertible facts that are facing us today as we negotiate. Ours is a challenge to address them. We cannot address the general insufficient representation by increasing the numbers in the non-permanent category and believe that this will resolve the particular question of non-representation in the permanent category. Yet Mr Chairman, there are some amongst others who would have us perpetuate this most remarkable system of unfair discrimination where those most affected by decisions are not given equal voice in the decision-making; where those comprising no more than 30 of the membership of the UN have 3 permanent seats and those with 53 have no permanent seat. This would be the implications of an agreement to expand the non-permanent seats without increasing the number of permanent seats and we are being asked, Mr Chairman, to accept this as a solution to the unfairness and inequity we seek to address.

We have also heard in the course of these negotiations arguments that the so-called intermediary approach, in its many manifestations, would be a reasonable compromise. But, it is fact that under this approach Africa with its 53 countries would have no permanent members on the Council while WEOG with its 30 members would remain with 3 permanent members. Thus the source of the inequity and unfairness would remain. Nonetheless, we look forward to having the parameters of this approach clarified in the days to come. But let us make it clear that our view is that whatever compromises that emerge at the end should be the product of intense

negotiations and should not be imposed on the membership as *a priori* solutions.

I leave, for now, the question of the options categories of membership with the knowledge that our next two exchanges will provide an opportunity for further observations on this key question.

I turn my attention, therefore, to the question of veto. On the question of veto, it appears to us that there are two positions at polar ends. On the one, there are those who have said "the veto must not be touched", which means that the veto may not be taken away from those who have it, neither may it be given to any new permanent member i.e. the veto should remain the exclusive preserve of the privileged few. On the other side of the spectrum there is the position, held by Africa, Caricom and others that the veto ought to be abolished and if not should be extended to new permanent members. Between these two polar options, there is a continuum options that should be considered. But in considering any and all of these options, we cannot be blind to the fact that, judged by standards of fairness, equity and legitimacy, the common African position which calls either for the abolition of the veto or its extension to new permanent is justifiable. Nonetheless, as member states we need to start showing greater flexibility to ensure that we give meaningful effect to the direction offered by our leaders in the World Summit Outcome Document – indeed this is the essence of negotiations, give and take. But, any compromises must be two-way, including the possibility of introducing measures to ensure greater accountability for the use of the veto and the placing of restrictions on its use.

Mr Chairman, there is one more substantive issue that I would like to cover in this statement and that is the question of working methods. I cover it last, and least comprehensively, not because I do not think it is important, for surely it is. I cover it last simply because it is one on which there is near unanimity. We cannot, Mr Chairman, see how anyone can object to a more transparent Security Council with greater accountability to the membership of the United Nations. In this regard we fully endorse the proposals put forward by the S5 on improving the working methods to ensure greater transparency and accountability. Nonetheless, as important as the question of working methods is, let me make it clear that reforming the working methods of the Council without also addressing the question of equitable representation on the Council will not solve the ills of inequity, unfairness and illegitimacy facing the Council.

I turn now to the question of process. Mr Chairman, we are near the end of our deliberations for this sixty third session of the General Assembly. We need to ask ourselves the question, what have we achieved over the year? Truthfully, Mr Chairman, and through no fault of your own, we have achieved very little. We have restated our positions, some a little more creatively than others, some a little more poetically and others more eloquently; but beyond these oratory displays, we have achieved very little.

We remain today with as many options, if not more, than we had at the beginning of the intergovernmental negotiations in February of this year. The expansion of options, as opposed to the expansion of the Council, does not signify progress. The notion that all positions, regardless of their patent lack of support, be retained is contributing to the retardation of progress. The overwhelming majority of the membership of the UN want expansion in both categories and improved working methods. Let us not allow the minority to stand in the way of these aspiration for fundamental reform. I must also state that I cannot concur with the sentiments expressed by a few delegations that we are not ready for meaningful reform. From where we are standing, the vast majority of delegations have expressed a readiness for reform. I also pause to add that I can find nothing in the statement of the distinguished representative of Sierra Leone that suggests that Africa is not ready, as suggested by one delegation.

I thank you.