

Agenda Item 11: Report of the Security Council

Statement by Mr. Kamallesh Sharma, Permanent Representative, on October 17, 2000

Mr. President,

May I begin by thanking the President of the Security Council for introducing the report of the Security Council. I congratulate Colombia, Ireland, Mauritius, Norway and Singapore on their election last week to the Council.

All Member States have a deep interest in the work of the Security Council, and we attach importance to this discussion, mandated by Articles 24(3) and 15 of the Charter which require the Council to submit, and the General Assembly to receive and consider, annual and special reports. The Charter clearly intended that the Council, to which the general membership entrusted special responsibilities, should report to it each year on the issues and situations pertaining to the maintenance of international peace and security it had dealt with, what it had done, and on the impact of its actions. It was expected that these reports would be comprehensive, substantive and forthright.

Unfortunately, Mr. President, the Council's reports still lack both substance and candour. Frustration with the Council's sketchy reporting led to the adoption of GA Resolution 51/193 of 1996, which called upon the Council to include, inter alia, information on the consultations of the whole; to highlight the extent to which resolutions of the General Assembly on issues falling within the scope of the General Assembly and the Security Council had been taken into account by the Council in its decision making; and to strengthen further the section in the report on the steps taken by the Council to improve its working methods. The Council has ignored this resolution. The report before us, a 550-page tome, is, like its predecessors, simply a compilation of documents, most of which have already been circulated as official documents.

We ask the members of the Council to consider if the veil of secrecy which they draw over its work serves a purpose. To the general membership it appears both lofty, because it flouts the expressed wishes of the General Assembly, and self-defeating, because it feeds suspicions that the Council is secretive because it evades disclosure. As to the revelation over which it may wish to draw a veil, one can draw from several choices – questions as to effectiveness, selectiveness of engagement, pressure of domestic constituencies or narrow agendas.

If transparency were the guiding principle, the Council would not need to conduct most of its work at informal meetings, a mechanism not even mentioned in its Provisional Rules of Procedure, where Rule 48 states that unless it decides otherwise, the Security Council shall meet in public. Informal meetings should be the exception and not the unwritten rule that it has become.

The Council might very well argue in defence that it now holds public debates under almost every Presidency. This, however, would be perilously close to the Council telling the general membership to eat cake. When the general membership asked for open meetings of the Council, it did not want to turn the Council into a debating society, which is what it now becomes every once in a while; the membership wanted it, before it acted on matters of peace and security, to hear the views of countries outside the Council who might have a point to make, a perspective to share or advice to offer, which it would be useful and prudent to factor into and reflect in its decisions. The open debates of the Council have no bearing on the Council's decisions, and frequently, they are also on issues outside its mandate. As decisions are taken before it hears the views of others, the statements made are of academic interest, a mere formality. The Council needs to consider what purpose these open debates serve, if any. We asked the Council to be transparent; what is offered is symbolism.

Once again sadly, the suspicion is not far that the closed doors of the Council may reflect a closed mind: a fear of being told truths it would much rather do without, being given facts that contradict its preferences, or accepting advice that undermines its settled orientation. Nowhere does this create more of a problem than in the complex peace-keeping operations it has set up. The Council decides, in what is essentially a splendid isolation, how an operation should evolve; it certainly has the right to do so under the Charter, but since the tasks it sets have to be discharged by the forces on the ground, it would be sensible to consult troop contributors and profit from their experience. Instead, the Council only goes through the motions, speaking to the troop contributors the day before a resolution is adopted. This is merely the courteous presentation of a *fait accompli*; it serves little purpose - not the Council's, not the host country's, not those of the troop contributors, and certainly not those of the operation.

In May and June this year, when the Council held closed meetings, including a private meeting with ECOWAS Ministers to address the crisis in UNAMSIL, India and other troop contributors asked that we be invited to it. We thought the Council would be anxious to hear the views of the countries most heavily involved, and were astonished that our request was turned down. We have never been told why it was. This indifferent treatment is unacceptable when it is troop contributors, and not the Council, including those who believe that they have a special responsibility for maintaining international peace and security, that put the lives of their troops on the line for the cause of the United Nations.

Peacekeeping operations mandated by the Council will be successful only if their tasks are doable and they are given adequate resources. A partnership between the Council and the peacekeepers is not just crucial but a prerequisite. This indeed is the spirit of Article 44 of the Charter. And it is no surprise that the Brahimi Panel report, which was welcomed at the Council's Summit on 7 September, has also recommended this. We hope that the Council will do some soul-searching and, in future, genuinely involve the troop-contributing countries, in a spirit of partnership, in decisions regarding peacekeeping operations, including on their mandates. The recent private meeting between troop contributors and the Council on UNAMSIL is a good precedent; however, it is not enough only to give troop contributors a hearing; their views should be reflected, if they are reasonable, in the mandates of the Council. The Council should institutionalise this mechanism.

The situation in Afghanistan remains a cause of deep anxiety to the international community, particularly to the countries in the region. The Taliban's quest for a military solution, its support to international terrorism and its utter disregard for the humanitarian crisis it has created in Afghanistan all continue. We are concerned over both the suffering it has inflicted on the Afghan people and its destabilising role in the region. The Security Council, which has repeatedly expressed grave concern over the developments in Afghanistan, has urged the Taliban to seek a peaceful solution to the crisis and to end its support to terrorism, but to no avail. Resolution 1267 was adopted over a year ago, but the Taliban remains intransigent. This is a challenge to the Council.

Even as the Council has not lived up to expectations regarding its activities in maintaining international peace and security, particularly in Africa, it has continued to try to assume a role for itself in areas such as health, welfare of children, humanitarian assistance, which are clearly beyond its mandate and fall under the jurisdiction of the General Assembly. This does not help the smooth functioning of the United Nations.

A case in point is the Council's assuming to itself the power to set up judicial bodies. Nothing under the Charter gives it the right to set up the tribunals that it has, nor indeed can it be demonstrated that those set up have in fact contributed to the maintenance of peace and security. In fact, they have on occasion become a complicating factor, and it would be hard to justify the exponential rise in the cost of maintaining them. There is now the piquant development of the recommendation from the Presidents of the two tribunals to the Security Council that financial provisions should be made to recompense those who might have been unfairly accused before them; potentially, therefore, the

General Assembly could be looking at huge sums of money which would have to be found to compensate persons wrongfully brought before tribunals which were wrongfully set up. Again, the General Assembly would be merely a passive and helpless spectator, without a role to play, except to accept the financial implications of decisions arbitrarily taken by the Council. These are systemic problems that surely need to be addressed.

Many of the flaws in the functioning of the Council are structural. Its composition and structure are demonstrably out of touch with ground realities. The Council neither reflects nor represents the aspirations and views of the larger membership. It is a relic of a defunct era. The solution lies in reforming and restructuring the Council. The inclusion of developing countries would make the Council more representative, relevant and responsive, enhancing the quality of its decisions and their acceptability within the general membership.

Mr. President,

We have always believed that sanctions are a blunt instrument and should be carefully used, when imposition becomes imperative. Reports from the UN system about the humanitarian crisis caused by the sanctions on Iraq are disquieting. We have also seen the report by the Secretary General that over 1200 contracts worth over US \$ 2 billion under the Oil-for-Food programme are on hold. Clearly, the Council needs to address this issue with dispatch and sensitivity.

Only last month, our leaders met in this hall to reaffirm their common commitment to the United Nations as an instrument of our choice to strengthen and expand international cooperation as we enter the new millennium. It is with a view to building such a United Nations that we have offered our comments on the report of the Security Council.