

**Statement by
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Permanent Representative**

At

An 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 matters related to the Council

United Nations General Assembly

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Co-Chairs,

Let me begin by aligning myself with the statement delivered by Amb. Christoph Huesgen of Germany, on behalf of G 4, and Amb. Rhonda King of the St. Vincent and the Grenadines, on behalf of a large number of states that she listed, who belong to the L 69 group.

2. As the saying goes, “you can speak well if the tongue can deliver the message of the heart”. Such is the eloquence with which both Amb. King & Amb. Huesgen spoke earlier today and such is the complementarity of their thoughts with my own point of view that if it was not for force of habit, I would gladly have forfeited my opportunity to speak.

3. But then, I hope that under your enlightened leadership, the curtains are drawn aside and I would have the privilege of speaking in a platform which is much more open. Alas, we know that such platforms are all prisoners of process and you have just outlined to us the process that is required to be completed to even open curtains! A process where the power of sound has been greater than the power of sense.

4. So, despite my desire to end here by merely stating that I entirely support the statements made by the L 69 and the G 4, I have succumbed to the encouragement provided in your letter dated 25 March and will contribute my mite to the discussion on the size of an enlarged Security Council, on Working Methods of the Council and on the Relationship between the Council and the General Assembly.

Co-Chairs,

5. These are important issues that have been discussed in some detail over the last several years. Our progress on these matters has been captured in the documents, which are under our consideration, especially the Revised Elements of Commonalities and Issues for further Consideration paper and the Framework Document.

6. However, an area that we haven't been able to focus adequately in the past is the matter of the working methods of the Subsidiary bodies of Security Council. These bodies have grown in number and importance. Much of their work, emanating from Chapter VII of the UN Charter, is consequential for all of us. Hence, while reaffirming my full support to the issues of substance and process highlighted in the 2 statements I referred to earlier, I will limit my focus to the specific area of Working Methods of the Subsidiary bodies of the Security Council, as these are suffering from an "Attention Deficit Syndrome".

Co-Chairs,

7. As my dear friend Amb. Huesgen informed us earlier he has deftly drawn aside the curtains and let light shine brightly in the Security Council Chamber, after decades. Following that laudable initiative, as the idiom goes, we all hope that the good deeds of that august body will be there for all to see better.

8. I hope that Amb. Huesgen and other innovative spirits also shine some light on what is euphemistically referred to as the 'Subterranean Universe of the Council' – the Subsidiary bodies of the Council. One would have assumed that given the numerous decisions being made by these Subsidiary bodies, their rules will be meticulous, transparent, listed and consistent.

9. Alas, just delving into some aspects makes one realise the lack of consistency in the guidelines and practices being followed, without any clarity of their legal basis.

10. For example, let us take the aspect of procedures of decision-making by the Sanctions' Committees. These are an interesting case study as a starting point for understanding how broke the system is. These bodies have given each member a veto. So be it. All members therefore are now equal. This would mean that unless consensus is achieved no action can proceed. Now it gets more interesting. In cases where consensus cannot be achieved by these bodies:

- Two of them provide that 'if after consultations, consensus still cannot be reached', *the matter may be submitted to the Security Council by the Member concerned*;
- Four others provide that *the matter may be referred to the Security Council by the Chair*;
- Six others state that *the matter may be submitted to the Security Council* without clarifying by whom;
- One stipulates that *the matter may be submitted to the Security Council by the Chair or by the Committee member concerned*;
- In one other, there is no explicit option at all to refer to Security Council.

11. All are children of the same parent – the Security Council. Yet, there are so many differences with no rationale for these differences. None can fathom the rationale for this. Perhaps, Tennyson dictum can fathom it: "Theirs not to make reply, Theirs not to reason why", sums it all up.

Co-Chairs,

12. Let me take a second aspect. Normal reporting by these bodies to the same parent – the Security Council. Some report every 90 days; some every 120 days; some once a year; and some others are left to do so, as

they choose to do. Some Report only in closed meetings. Others report in both closed and public meetings, some others choose not to do so at all.

13. Again, there is no rhyme or reason for these differing time-periods and methodologies for reporting of similarly constituted bodies handling similar work. Consistency does not impede performance or effectiveness or efficiency. Why go for multiplicity when simplicity can do? Simplicity helps those who follow such matters. It makes it easier for our young experts who are always burdened with too much to do. It ensures a modicum of certitude in what are clearly uncertain times.

14. Let me now take a third aspect. This relates to transparency and making public the decisions of these bodies. This too varies in crucial respects from one body to another of the subsidiary bodies. Decisions regarding delisting requests made to some of these bodies by sanctioned individuals and entities are made public. In some others, they are not made public at all.

15. Some bodies report such decisions transparently to the Security Council. For example, let me compliment the Chairperson of the Libya Sanctions Committee Amb. Schulz. In his report to the Security Council session on 18th January 2019, he made it clear that the Committee had received and concluded its consideration of the delisting requests of Ms. Aisha Al-Qadhafi and Ms. Safia Farkash Al-Barassi, who had been previously listed, pursuant to resolution 1730 (2006). However, following conclusion of the consideration, Amb Schultz informed the Security Council that both individuals remain on the list. (S/PV.8448 page 6).

16. Some other subsidiary bodies do not even mention that any such request was received and declined from known and listed terrorist entities or individuals. Bizarre as it may seem, the hiding of failed efforts of terrorists, to get themselves delisted, is attempted to be cloaked in secrecy. It is sought to be kept from being made public by some of the subsidiary bodies on account of practice. Such practice has no legal sanction in the rules, guidelines or resolutions.

Co-Chairs

17. These are merely some of the many instances I could add to in manifold ways. Many more such byzantine practices are thriving in the subsidiary bodies, unknown to most of us. I hope that Council members address these serious inadequacies that are proliferating in an unchecked manner, in the vast subterranean universe of the Council's subsidiary bodies.

18. It is possible some may think that these issues are new or do not belong here. When faced with such situations I draw sustenance from the Handbook on Security Council Reform: 25 years of Deliberations and suggest that Page 71-72 of that compendium which provides interesting insights. As far back as the 51st session of the General Assembly, these issues were discussed. Para 9 of the proposal, prepared by the then President of the General Assembly Amb. Razali Ismail in the section dealing with Working Methods of a reformed Council, asked, inter-alia, for institutionalizing the practice of giving opportunity to concerned states and organizations to present their views during closed meetings of the Sanctions Committees on issues arising from the implementation of sanctions regimes imposed by the Security Council and making available records of the Sanctions Committees to all Member States.

Co-Chairs,

19. More than 20 years after those initial discussions, such matters cannot be swept under the proverbial rug. It is time to shine light on practices that none of us is comfortable being associated with. The intent is not merely to highlight inadequacies, but to do so with the objective of addressing them. Hence, I would be grateful if you could appropriately reflect the need to enhance the transparency, consistency and clarity of the Working Methods of the Subsidiary bodies, as you capture the essence of the discussions of this session in the normal manner. Going forward, this will enable us to seriously address these essential issues in a format that we are all comfortable with, and in the way that we all are used to working on.

I thank you Co-Chairs.