



**STATEMENT BY MR. NIRUPAM SEN, PERMANENT REPRESENTATIVE, ON
INFORMAL CONSULTATIONS ON THE REPORT OF THE HIGH-LEVEL PANEL ON
THREATS, CHALLENGES AND CHANGE AND ON THE UNITED NATIONS
MILLENNIUM PROJECT 2005 REPORT AT THE INFORMAL MEETING OF THE
59TH SESSION OF THE UN GENERAL ASSEMBLY ON FEBRUARY 23, 2005**

Mr. President,

We welcome your initiative in convening this informal meeting of the General Assembly to continue our exchange of views on the Report of the High Level Panel on Threats, Challenges and Change and on the Millennium Project Report. We hope that these deliberations would provide constructive inputs for the Report of the Secretary General on the Comprehensive Review of the Implementation of the Millennium Declaration.

We agree with your suggestion of organizing these informal consultations around the four clusters of peace and security; development; rule of law and protecting the vulnerable; and strengthening of the United Nations, in particular institutional reforms. We trust that the Secretary General's Report due in March will take into account these discussions and those that have preceded these, take cognizance of progress registered and broad areas of agreement wherever they have emerged so that it can truly become a plank on which future discussions on outcomes of both the High Level Panel Report and the Millennium Project Report should be anchored. In his note of December 2, 2004, transmitting the Report of the High Level Panel he had hoped that "not all action will be frozen until September. We should move quickly and take action on recommendations wherever we can." Discussions in clusters on outcomes will help to "lock in" broad agreement or decisions on each issue without holding this hostage to decisions on others.

In the interest of brevity (and we remain persuaded of its merits), we shall not repeat in detail what we have already said on these issues at the informal meetings of the Plenary on January 27 on the High Level Panel Report and on February 10 on the Millennium Project Report, nor do we wish to go over in detail ground that has already been covered by the Chairman of NAM and the Chairman of G-77, statements with which we broadly concur.

For us, the centrepiece is development. Poverty and internal conflicts are not simply the legacy of colonial rule or the result of current poor governance but are the epiphenomena, as we analyzed during the consideration of the Millennium Project Report on February 10, of liberalization and globalization and the policies of international economic institutions. In public health, TRIPS hinders a successful fight against epidemics. One cannot integrate the achievement of MDGs into the policies of international economic institutions without tackling systemic issues. One cannot heal the metabolic rift between human beings and the earth without facing squarely the issue of the balance of forces where, in a tragic reenactment on a global scale of the Enclosure Movement of 300 years ago, the developed world has appropriated the global commons – the carbon absorption capacity of the atmosphere, the oceans, the biosphere. Some of the Small Island Developing States in North Pacific are not directly assisted in their development by UN agencies because of neo-classical arguments on the economies of scale. This is made worse by lack of UN representation there and the frittering away of resources on advocacy.

The problem is the reform of the UN and its agencies, the recovery of the original vision of a UN-driven, a development-driven and not a donor-driven managerial approach. It is no mere coincidence that both Pope John Paul II and the Report of the World Commission on the Social Dimension of Globalization come to the same conclusion. The former on January 1, 2005 said that “the foreign debt of poor countries is closely related to a series of other problems such as foreign investment, the proper functioning of major international organizations, the price of raw materials and so forth”, and the latter calls for a reform of the functioning of Bretton Woods institutions and the WTO and concludes that the UN is “uniquely equipped to spearhead the process of reform”

From whatever direction one approaches these issues, all paths lead to the need for revitalizing the General Assembly, to shifting the balance of forces in the UN Security Council, through the inclusion of major developing countries in its permanent membership, so that the United Nations can set the international economic agenda and promote the reform of international economic institutions. It is not simply a question of a commitment to debt relief; flow of resources; transfer of technologies. All these are important but would, as in the last five years, be unavailing without a shift in the balance of forces, with the UN assuming control of the international economic agenda through a revitalized General Assembly and a transformed Security Council.

On the development agenda, we note the emphasis being placed by developed countries on the follow up to the Monterrey Consensus. We are not convinced that this would be sufficient, as has been also brought out in the Millennium Project Report. We recall the outcome of not only the Johannesburg Summit but also the important meetings held in Brussels, Almaty and Mauritius which sought to address respectively the specific concerns of the least developed, the landlocked and the Small Island Developing States, long recognized as groups of vulnerable countries, requiring special attention and measures. All these conferences were held after the Millennium Summit. Therefore, in our view, the 2005 event should pay particular attention to the effective implementation of these conference outcomes in terms of clear agreement on financial resources, technology requirements and capacity building needs. In the vital field of

trade and intellectual property rights, clear directions to the WTO especially to the Sixth WTO Ministerial Conference in December, 2005 in Hong Kong on Special and Differential treatment; Special Safeguard Mechanism; NAMA; subsidies and IPR would help. In the context of this last I would refer to the recent Delhi Agreement on "disclosure of source of genetic resources and associated traditional knowledge" to prevent the patenting of community-owned bio resources.

The High Level Panel Report calls the Nuclear Non-proliferation Treaty "an extraordinary bargain". So it was – an extremely discriminatory treaty extended indefinitely which neither prevented proliferation nor fulfilled the promise of unfettered peaceful use and access to technology for this purpose. Incidentally, the emphasis on multilaterally negotiated universal and non-discriminatory disarmament instruments has been missing. Now once again there is talk, in another context, of a grand bargain – grander in the sense of being more discriminatory? Development is an inherent right and there can be no bargain, grand or otherwise. The assumption that developing countries have no interests or stakes in dealing with terrorism, proliferation or other issues of peace and security is unacceptable because it is they who face the most insecurity. It is not through such a Faustian bargain that developing countries can realize their objectives but through the time tested principles of solidarity and mutual cooperation. In Jawaharlal Nehru's phrase, long years ago we made a tryst with destiny and as our economy grows the Government of India is doing its best to keep faith with our people and the people of developing countries through South-South Cooperation. This is the only internationalist bargain we find appropriate.

Mr. President,

It is appropriate that all items relating to the rule of law and protecting the vulnerable have been clubbed together under one cluster. On the rule of law, the Secretary General, in his statement to the General Assembly at the commencement of the general debate of the 59th Session had reminded us of the imperative of the rule of law at both the national and international levels. The UN should recognize the centrality of democracy in the evolution of a peaceful world order and should develop a framework to protect democratically elected governments from unconstitutional overthrow and to impel an usurping dictatorship to make way for popular democracy again. Of equal importance, however, is the protection of the vulnerable at the international level. We have on an earlier occasion spoken of the sense of alienation of the developing world – the vast majority of the member States of this Organization – at the growing inability of the UN to secure and promote their vital interests, be it on issues of peace and security or on development. We believe that just as the rule of law should protect the vulnerable in society, so also the rule of international law should protect weak and vulnerable States from the arbitrary exercise of power by the strong. Here again, the imperative is a vigilant and revitalized General Assembly and a transformed Security Council with new permanent members subject to accountability reinforced by review. As we have seen over the last decade and a half, non-permanent members, whether for 2 or 4 years cannot ensure that the UN Security Council itself become the subject of international law like the member States with decisions bounded by the purposes and principles of the Charter and judicial review. As we said earlier, it is not a matter of arithmetic but of shifting the balance of forces to end the alienation of the developing and advance their political and economic interests; it is not only a question of

transparent working methods which have not been adopted hitherto in any significant measure but of new permanent members mandated to make these a reality. Only in this manner can the use of force be minimized and problems of terrorism and proliferation addressed in a rational and effective manner. While the High Level Panel Report has carried forward the debate on the former, it is, regrettably, selective and one sided on the latter. One cannot just mention one or several "rogue" individuals while keeping silent on the State or States that patronize them; one cannot just mention the recipients while keeping silent on the givers – the real proliferators. It is surely as thoughtless in security matters as it would be in economics, to talk entirely of demand and remain silent on the supply, especially the suppliers.

Paradoxically, we may even sympathize with much of what has been said by the opponents of Model A: support for Model B has indeed increased – from six member States to eleven member States; making the 19 elected seats under Model B open to 186 Member States (quite clearly to overcome the fact that Model B is devastating for small States) makes Model B both conceptually and practically irrelevant; three permanent members (a majority) have rejected the idea of deadlines and early decisions that may not command consensus – that is precisely why such early decisions based on broad agreement are likely to be in the interests of the vast majority of the Member States of the General Assembly; a new category of permanent members without veto would not balance the weight of the existing permanent members – that is precisely why new permanent members should have the veto under guidelines that would act as an example to other permanent members. In all humility, I would suggest that it is a little tiring to hear of aspirants to permanent membership being governed entirely by national ambition – as if those opposing them are inspired entirely by an unalloyed altruism which makes them go against their very national interest. Of course, I understand their emotional problem– Model A has become like a nail in the shoe – till it is removed they cannot even enjoy the sunshine.

Mr. President,

In conclusion, I would like to state that the United Nations General Assembly has to either set the agenda or be dominated by somebody else's; either act in the coming weeks or remain in the realm of words for years to come; either find concrete and effective mechanisms for actually promoting economic development in practice or rest content with yet another declaration. The great Russian novelist Tolstoy in "Anna Karenina" says that "Happy families are all alike but every unhappy family is unhappy in its own way". Unless the socio-economic specificities of the unhappiness of the developing world are effectively addressed the foundations of anything done will not be strong.

Thank you, Mr. President.

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