



Statement by Mr. Nirupam Sen, Permanent Representative, at the informal thematic consultations of the General Assembly on Report of the Secretary-General entitled “In larger freedom: towards development, security and human rights for all” [A/59/2005] [on Cluster II: Freedom from fear] on April 22, 2005.

Mr. Facilitator,

We welcome the opportunity to exchange views with other delegations on Cluster II: “Freedom from fear” of the report of the Secretary-General during the second round of the informal thematic consultations.

The Charter established an effective and comprehensive system of security comprising the pacific settlement of disputes of Chapter VI; “action with respect to threats to the peace, breaches of the peace and acts of aggression” of Chapter VII; regional arrangements of Chapter VIII; and the “inherent right of individual or collective self-defence” in Article 51. The Secretary General rightly says that “implementation” is “all too often contested.” The reason is the use of force beyond this framework. For instance, Article 2 (7) has an exception for Chapter VII cases; therefore, the Security Council is sometimes tempted to stretch “endangering peace” which attracts Chapter VI into a “threat to peace” in order to apply Chapter VII; also it is not clear that the non-enforcement provisions of Chapter VII are also an exception to the provisions of Article 2 (7). Similarly, the framers of Article 51 never intended to cover anything beyond its text, a view supported by the International Court of Justice.

The second main difficulty that has led to the “all too often contested” implementation is a dominant balance of forces that is no longer perceived to be legitimate. In this sense, countries are looking to a freedom from fear that would include freedom from fear of those who wish to promote freedom from fear, in short, for the kind of freedom that the great Indian poet Tagore described: “where the mind is without fear and the head is held high”. Till this dominant balance of forces is transformed there can be no real reform because anything not acceptable to it would not be allowed to proceed: therefore, changing the correlation of power is the heart of any change; only such a change can make possible optimal decisions widely accepted which would constrain the use of force.

Mr. Facilitator,

The imaginary fear of the strong of a threat from the weak and of the rich of a threat from the poor is perhaps the most curious feature of our time. We concur with the Secretary General that we have to take a holistic approach and certainly, at some level, everything is connected with everything; poverty, epidemics and disease and environmental disasters have to be fought directly and in themselves, not because they threaten the security of the rich and strong. The recent Tsunami disaster showed that copy book maxims are true: human solidarity can overcome problems; the best use of swords is to beat them into ploughshares: the best use of military assets was search and rescue, relief, immediate health care and the restoration of communications.

There is a clear connection between public health and equitable international economic policies: low tax - GDP ratios (an imperative of liberalization and globalization) reduce public investment in health and TRIPS could increase cost of medicines. The best means of promoting public health and even tackling bio-terror is a decentralized public health system, an interesting reaffirmation of the role of the State and the nature of public goods.

Mr. Facilitator,

India attaches great importance to multilateral co-operation on counter-terrorism. We welcome the comprehensive strategy against terrorism which stands on the five pillars identified in the Secretary-General's report. We support his initiative to move the counter-terrorism agenda in the United Nations through the adoption of legal instruments and their effective implementation. The importance of the recent statements by the Secretary-General in Madrid and Algiers, where he referred to the weakness of the international legal framework on terrorism and called upon Member States to expeditiously conclude both the Convention for the suppression of acts of nuclear terrorism and the Comprehensive convention on international terrorism, cannot be overemphasised. We also welcome the call by the Secretary-General to conclude a Comprehensive Convention on Terrorism during the sixtieth session of the General Assembly.

The first task was accomplished partially on April 13 when the General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism which we trust will enter into force early. This was an enterprise that had been in the making for more than seven years. We hope that Member States would demonstrate the same resolve and flexibility in concluding the Comprehensive Convention on International Terrorism. The problem is not actually a definitional problem. The definitions placed before us are already subsumed in the Convention on the Suppression of the Financing of Terrorism: a complete definition is in Articles 2(a) and 2(b) of this Convention. In the draft Comprehensive Convention on International Terrorism Article 2 on definition was agreed upon: the issue is the need for consensus on Article 18 on the exception or exclusion clause.

Mr. Facilitator,

The Secretary General has rightly given equal importance to disarmament and non-proliferation and emphasized irreversibility. We would add that universal, non-discriminatory and multilaterally negotiated disarmament in a time bound manner is an imperative. A model is the Chemical Weapons Convention in which India played an active role. Incidentally, India is the only declared Chemical Weapons possessor State which has met all the destruction time lines of the Convention and is committed to eliminate this entire class of WMDs. India is also a party to the 1972 Biological and Toxin Weapons Convention and is in favour of multilateral efforts to strengthen its norms and provisions for adequate and effective mechanism while providing for increased international cooperation in transfers and exchanges of biological materials and technologies for peaceful purposes. In the case of the Fissile Material Cut-Off Treaty, India remains committed to participating constructively in negotiations for a non-discriminatory, multilateral and internationally and effectively verifiable treaty: the absence of any reference to its being verifiable would alter the Shannon mandate and make negotiations much more difficult. India's defacto moratorium on further nuclear tests also remains in place. India welcomes the proposal on a legally binding instrument on the Marking and Tracing of Small Arms and Light Weapons.

India supports the efforts to prevent the proliferation of WMD means of delivery and related materials, equipment and technologies. India wishes to see the norms against proliferation of missiles strengthened through transparent multilateral agreements on the basis of equal and undiminished security, that also ensures that civilian space related applications are not adversely affected. India has actively participated in the work of the two UN Panels of Governmental Experts on Missiles. India has suffered from the adverse effects of proliferation, including in the area of missiles, and is determined to maintain its exemplary record in safeguarding materials and sensitive technologies. Strict controls on export of nuclear and missile related materials and technologies have been in place and will remain.

Two issues remain important in this context. In the first place, disarmament and proliferation must be pursued to create a new system of comprehensive global security, for which strengthening of the United Nations system is essential. This objective cannot be served in the best manner possible through exclusivist, ad-hoc and club-based approaches, but through multilateral engagement and negotiations. An inclusive approach will allow for the subject to be dealt with in a comprehensive manner. It will also validate and reinforce the commitment of the larger number of States that would participate in such a process. In the second place, proliferation is proliferation whether the offending State is an ally or an adversary, whether the offending individual is from a State helping counter-terrorism or not. Any other approach would seriously undermine UNSC Resolution 1540. As we have had occasion to say before, attention to supply is as important as that to demand.

Mr. Facilitator,

On peace-keeping, we support the recommendation of the Secretary-General to improve deployment options, including the creation of a strategic reserve and a standing civilian police capacity, two initiatives that have been designed to optimise rapid and effective deployment. The standing civilian police capacity has been proposed to facilitate a rapid police start up capability as well as to assist in reform and restructuring of local police services, as appropriate. We recognise the need to engage with the Secretariat and Member States to understand and refine the concept further, particularly the logistical and financial aspects of the proposal.

On the proposal to establish an inter-locking system of peacekeeping capacities, we agree on the need to share information and analysis between regional missions but not on asset-sharing and sharing of personnel of one mission in the region with another, as each operation is *sui generis*, facing unique challenges, with different mandates and resources. Moreover, the practices and provisions of the Charter also do not foresee such a requirement. We further believe that the synergy or the inter-locking of capacities between the United Nations and regional organisations and arrangements must not substitute and should not be at the expense of United Nations peacekeeping which through its universality and experience occupies a niche that is perhaps unparalleled.

We fully subscribe to the notion that peacekeepers and peace builders have a solemn responsibility to adhere to the rule of law, especially to respect the rights of the people whom it is their mission to help. We have maintained consistently that peacekeepers can lay a vital foundation in the task of peace-building if they embody, in their outlook and behaviour, a long-standing democratic and multicultural tradition.

Mr. Facilitator,

The Secretary-General has endorsed the recommendations of the High-level Panel for the setting up of a Peace-Building Commission, as well as the establishment of a Peace-Building Support Office within the UN Secretariat, to assist countries with the transition from conflict to lasting peace. He has proposed that the Commission report to the Security Council and the Economic and Social Council in sequence, depending on the phase of the conflict, and whether or not the situation in a particular case is the subject of consideration by the Security Council, and whether it has since moved to the category of 'countries emerging from conflict'.

We look forward to working together with other Member States on the proposal for the setting up of a Peace-Building Commission in the light of the more detailed proposal received recently from the Secretary-General that reflects the Secretariat's thinking on the functions and powers of this proposed body and the lines of authority, responsibility and reporting so as to facilitate further inter-governmental consideration of the matter. As a major troop contributor to UN peacekeeping operations and as an emerging non-traditional donor for reconstruction activities, India has a keen interest in the idea and is

keen to ensure that we get the concept and its implementation right from the very beginning of the exercise.

Thank you, Mr. Facilitator

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