



**Substantial parts of this Statement have been adapted from extempore remarks**

REMARKS BY MR. NIRUPAM SEN, PERMANENT REPRESENTATIVE, AT  
THE MEETING OF THE OPEN-ENDED WORKING GROUP ON THE  
QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN  
THE MEMBERSHIP OF THE SECURITY COUNCIL AND OTHER MATTERS  
RELATED TO THE SECURITY COUNCIL ON JULY 19, 2007

Madam President,

I thank the distinguished Permanent Representatives of Lichtenstein and Chile for their Report to you on the consultations regarding "The Question of Equitable Representation on and increase in the membership of the Security Council and other matters related to the Security Council" and I thank you for convening these discussions today, for your initiative and leadership. The distinguished Permanent Representative of Egypt asked for flexibility from the P-5 and IBSA. One country in IBSA is from the African Union and two are from the G-4. The very fact that their Foreign Ministers have come together to pronounce on such a sensitive subject is itself an index of flexibility. We agree with the authors of the Report on the need for flexibility but flexibility has to be demonstrated in response to a definitive proposition and in this case there is no text. A questionnaire or a straw poll would have greatly assisted in formulating a text and giving it the requisite initial legitimacy. As the Report correctly says the member States should have full ownership of the text. Every time we seem to be beginning again. After more than a decade of consultations, we embark on fresh consultations all the time. As Mary Shelley said, "the beginning is always today". Unfortunately, we cannot go on skirmishing around the context much longer without producing a text. We need to move definitively from the context to the text.

What should be our approach to the Report? It could be like the angel at the Rheims Cathedral door: amused but accepting. The Report's statement that the status quo is unacceptable to the overwhelming majority is sound. Nothing is constant except change. Flux is the law of life. The desire for something fixed where all is moving is destructive. It is a sign of privilege holding on to unjust power. Historically this has never worked. It also causes tension, an unnecessary wastage of political energy; one cannot hold back progress and democratization. The attempt to do so is behind the hitherto vitiated UN reforms, dysfunctional institutions, continuing violence and an unjust world.

The Report is also correct in reflecting the view of member States that UN reform is incomplete without a meaningful reform of the Council. This is more than a cliché. We have seen this recently and clearly in the problems that bedevil the revitalization of the General Assembly when we tackle any real or concrete issue of political decision-making, however small. The UN Security Council, like a pyramid has to rest on the wide base of support of the General Assembly. Today, the UN pyramid is standing not on its base but on its apex and is in danger of toppling over. It is equivalent to the Security Council standing on its head, and with all respect, this is not always a strong pedestal to stand on. On June 7, 2007, the former DSG Sir Mark Malloch Brown in his "Holmes Lecture: Can the UN be Reformed?" to the Academic Council on the UN System used the arresting metaphor of an institutional chiropractor in relation to UN Security reform and went on to say that once "this critical piece of the organization's spine is properly aligned", then "the alignment will fall down through the lower spine, arms, and legs as the whole UN body politic recalibrates itself". The connection with GA revitalization becomes obvious: unless the GA elects Permanent Members and then holds them accountable through a draconian review, the balance of power or the correlation of forces cannot change; encroachment will continue; it is precisely for this reason that Model 'B' did not gather majority support.

The distinguished representative of one of the Member States was fighting old battles all over again. He mentioned the principles of good faith, equity and law. He went on to speak of the necessity of "well above 2/3<sup>rd</sup> support" when the Charter, the GA Rules of Procedure and GA Resolution are clear. This I presume is an example of law. He opposed voting directly and even immediate negotiations implicitly. This I presume is an example of good faith. Incidentally, the logical implication of the Report's assertion, that support exceeding

(only "exceeding" and not "well above") the legally required 2/3<sup>rd</sup> majority is preferable, is sound because without voting, or at any rate, a straw poll there is no certain way of definitively determining this. He claimed that both the Reports exclude Permanent Membership. This I presume is accuracy and good faith. One of his friends, the distinguished Permanent Representative of Spain, at least accurately noted the first option in the first Report as taking us to Permanent Membership. We appreciate the current Report's paragraphs on the review process which provide a balance through at least a kind of teleological perspective on the expansion of permanent and non-permanent membership and on the veto. Here permit us to gently point out that, unless the phrases "the creation of permanent seats" and the "creation of additional non-permanent seats" are a tautology, there is a conceptual confusion regarding permanent members and permanent seats for the simple reason that all seats in the existing Security Council are permanent; only some members are permanent and some are not. The distinguished Representative of the Member State referred to tried to speak for the African Union. We have a preference for letting the African Union speak for itself and we have listened attentively to the distinguished Permanent Representatives of Uganda, Mauritius and Egypt.

Before I develop this theme, permit me to address the question of working methods. The distinguished Permanent Representative of Switzerland expressed his discontent with what the Security Council has done on working methods and clearly stated that he cannot be optimistic since the first halting step in the Council on working methods has produced nothing. He then went on to contradict himself by proposing measures on working methods to the very Council that has rejected even much more modest steps. In other words, he would add further discontent to his already existing discontent. The question is why the non-permanent members were not able to implement any new working methods. It is because these can only be implemented by new permanent members elected and held accountable for doing this. In the light of his own judgement and feelings we are somewhat perplexed by the fact that the distinguished Permanent Representative of Switzerland is prepared to pursue working methods separately. We support new working methods without reservations.

It is a pity that the Report still speaks of "Notions" on a way forward. After more than a decade we are still at the stage of Notions, not even concrete ideas, not to speak of a text for negotiations. As the Report makes clear all key decisions are only postponed to a later date; the problem of pressure on many countries is solved by

postponing the day of decision; there is a preference for being perennially subject to pressure rather than summoning the energy to create a system where such pressure cannot be exerted or would be minimal. Instead of definitive support for finding a solution in the next Session we are to continue taking "further concrete steps". In short we shall continue to travel hopefully rather than arrive, in fact go on traveling and never arriving, preferring, in Thoreau's phrase, the infinite expectation of the dawn to the dawn itself.

The tautology at the heart of the interim model is that all models are interim because they are subject to review. Increasingly it is clear that even the present structure of the Security Council, (the status quo) is interim till the mounting tide of problems and discontent with the solutions overwhelms it by reducing it to irrelevance. The distinguished Permanent Representative of Spain asked why option 'A' in the first Report remains in some way in the second and why the middle two options have not been made the basis for further consideration. The answer was given by the Chair of the Non-Aligned Movement that we cannot have reform for the sake of reform. Let me develop this a little. The interim model becomes an exercise in art for arts sake: as Nietzsche said, the most common human frailty is forgetting what we were trying to do in the first place. Ototar Brezina, the great Czech symbolist poet once said that in conversations we have with ourselves the answers are given before the questions. Some of our friends seem to be having such a conversation and therefore their answers have no relation or relevance to the questions – how to introduce a system of checks and balances in the Security Council, how to make decisions more optimal, thereby reducing the need for the use of force.

The interim model may be for democratization but would leave untrammelled power untouched; it may be for greater representation but without any representation among permanent members; it may be for checks and balances but with nothing to check or balance the Permanent Members; it may be for smaller additional numbers but through expanding the UNSC in such a way as to make it unwieldy without making it effective, the worst of both worlds, a double jeopardy. Paradoxically the two middle interim options reinforce the case for immediate extension of the veto because, in the absence of length of tenure, the only instrument for introducing checks and balances, of countervailing power, would be the veto. Is this the direction we wish to pursue?

The distinguished Permanent Representative of Egypt therefore correctly emphasized that we need to agree now on what the interim model is a transition to. We have to agree on the end point and not leave every thing to an open review. That is why we firmly support the distinguished Permanent Representative of Mauritius and request the President of the General Assembly to immediately commence work on having a text prepared for expeditious inter-governmental negotiations on a comprehensive reform of the Security Council in both permanent and non-permanent categories with greater representation to the developing countries, including in the permanent category, a comprehensive improvement in the working methods of the Security Council that would specially ensure greater access to island and small states, as well as a provision for a review. The distinguished Permanent Representative of Brazil has rightly quoted the Ministerial Communiqué issued on July 17, 2007 by the Foreign Ministers of IBSA countries and I would repeat the phrase on making the Security Council more democratic, legitimate, representative and responsive.

Some friends on this side of the divide have spoken of the need to ensure that the UNSC reflects the new world situation marked by the rise of certain powers. Some friends on the other side of the divide have, in previous debates, sought to invalidate this argument by saying that the world situation is also characterized by the rise of many middle powers. They are perfectly correct but they totally miss the point. The struggle for change here is a microcosmic reflection of the real macrocosm of the struggle in the world outside. Sometimes we show less clarity, less courage than many an ordinary worker, peasant or protestor in the world outside. The question is not of making a few countries permanent members to reflect the real world today but the much more crucial one of the distribution of power in an enduring way, of creating a more just world. This can only be done by first counter posing new centres of power to existing ones in the permanent membership and second by holding these accountable through reviews and the right of recall. Some of our friends on the other side of the divide may find it more convenient to build castles in the air; the problem is that these sometimes turn out to be sand castles and the falling sand can only blind the eye and distort the vision. One day or another we would have to sincerely and seriously address these problems. Till then every solution would be interim. This is the real meaning of the expression "La luta continua".

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