



STATEMENT 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 ON JUNE 17, 2008

Mr. President,

Let me join my colleagues in thanking you for organizing these discussions and for your leadership of this process. Permit me also to express our appreciation of the consultations that preceded and the intense labour that has gone into Report of the Vice Chairpersons, Their Excellencies, the Permanent Representatives of Bangladesh, Chile, Djibouti and Portugal. Our remarks should not be construed as criticism but as a forthright expression and exchange of views so that we can together identify the practical measures needed to begin intergovernmental negotiations.

Before I comment on the Report, permit me to respond to some remarks by a leading representative of the Uniting for Consensus who spoke of unilateralism. It seems that they do not trouble themselves with the Rules of Procedure even if there was the slightest reason to suppose that they are acquainted with these. There is nothing in the Rules or in consensus decision 61/561 against a resolution. That is why the phrase "including through" is added to the phrase "intergovernmental negotiations" in this consensus decision. Moreover it has not even been moved or tabled and is only being discussed. If a decision taken by consensus on starting intergovernmental negotiations cannot be implemented by consensus over ten months, then clearly it would have to be implemented by alternative means.

He focused on non permanent seats. The OIC communiqué clearly speaks of representation in all categories which logically includes the permanent category. He has to decide whether he belongs to the UFC or OIC. We know what we mean. It seems that they do not know what they mean and so do not know what we mean.

He referred to a so called NAM fallback position which was not a part of any NAM declaration and was in practice abandon since it does not find any mention in any document for the last twelve years. The logic of his position was that the UFC are the champions of sincerity. Whether or not the champions of sincerity examine themselves,

they should at least examine their arguments. It is remarkable to use such an argument and remain silent on such a sequel. An eddy may for a time run against the stream but its time soon runs out, especially if this eddy is only the sophistries of interest.

Decision 61/561 was a consensus decision. We talk of consensus but in nine months, we have not been able to implement even a consensus decision. We remain part of the consensus to hold intergovernmental negotiations. We remain part of the consensus to implement a consensus decision. What we cannot do is to become part of a minority aspiration to divert or delay this implementation or to render it devoid of meaning. The sub text of the report under consideration is still pursuing a transitional or an intermediate solution – whether through citing examples in support or through talking of timelines and what is achievable in the short term or through stating the impossibility of the Big Bang. None of this is in the consensus decision. In it there is no limitation in terms of time or a negotiating basis that would exclude some elements. Incidentally, the Big Bang is not even universally accepted in modern cosmic physics. We can pride ourselves on partially achieving the Big Bang because there has been lots of noise though no results. So we have already achieved the Big Bang. Now for the results.

The pursuit of the intermediate or transitional approach is truly extraordinary. In para 2 of Section V on 'Shifting the Paradigm', the Report admits that "many member states have argued that such option could be the eventual outcome of an intergovernmental negotiations". Yet the Report contradicts itself by its sub text of a transitional approach from the beginning. One remembers some verses of Shelley: "To hope and bear, to hope till hope creates/From its own wreck the thing it contemplates"! Every hope may begin as a forlorn hope but this one is unique in continuing as a forlorn hope. The consensus decision 61/561 is clear – we have to negotiate on the basis of progress achieved and the proposals and positions of the member states. In addition such a transitional model has been rejected by the African group, by many small states, by us and by many countries supporting us. In spite of all this, in a subjective and anti-democratic fashion, the attempt seems to continue. The transitional model amounts to art for art's sake, reform for the sake of reform because it does not address any of the real problems that the Security Council faces. It does not add elected permanent members held accountable for reforming working methods, for ensuring implementation of Article 31 and 32 of the Charter, for sharply increasing access of non members and small states, for gradually changing the political culture on the use of veto, to name a few. Where permanent members adhere forcefully to the status quo or narrow national interest, consensus and action become difficult; where their interests are not involved, consensus is easily achieved but there is no incentive for them to take meaningful action; thus the Council falls into double jeopardy and becomes doubly dysfunctional. The circle of permanent membership has to be opened through the principles of election and subsequent accountability while ensuring permanent institutional memory, with new points of view and fresh resources to ensure optimal decision making and its translation into action. It is illogical to suggest that we should leave out whatever

cannot be achieved in a short time line even though it clearly means not addressing any of these problems, in short ignoring all real problems. The Permanent Representative of USA also rightly said that the time line concept is not the best way to proceed since it would lead to the lowest common denominator. The Permanent Representative of Singapore also spoke broadly in this vein. The report sees rebalancing only in terms of representation. Rebalancing has to be directed towards increasing the effectiveness in terms of optimal decisions and their implementation. To take a middle point between different positions without looking at the weight of support, the political context and above all, addressing real problems is even worse: it is not just reform for the sake of reform but a mechanical reform for the sake of reform. Therefore, it is not the model being pursued that is transitional but the illusion that it is acceptable or will work. To adapt Aime Cesaire, an organization that shuts its eyes to its most crucial problems is stricken.

Let me now turn to the Seven Pillars. These cannot in the last resort supersede decision 61/561 since this decision was formally adopted by consensus by the General Assembly. These pillars are nevertheless useful and have been broadly accepted. Theoretically, we did not challenge these pillars and in a theoretical sense we still do not. But as Goethe told Eckermann, "theory my friend is grey but eternally green is the tree of life". We have to modify theory and hypothesis in the light of life's experience. The OEWG by consensus has not been able so far to identify negotiables, modalities or framework. The Report in para 2 of Section II on "Framework and Modalities" implicitly recognizes this when it speaks of the "GA deciding to shift consideration of the reform process (even the process) to the GA plenary". The unanimous decision 61/561 is clear: the OEWG can continue its discussions aimed at promoting understanding and general agreement but paragraph (d) is categorical in mentioning the General Assembly and intergovernmental negotiations that build on the progress achieved so far as well as the positions and proposals of the member states. It is extraordinary that so much time has elapsed and yet this has not been done: a text that encapsulates all major positions can be easily drafted provided there is political will. Drafting such a text and embarking on intergovernmental negotiations have to be recognized as two phases that move in opposite directions: the text has to initially include even contradictory positions because it has to be expansive and inclusive, to include everybody in these negotiations; the initial part of the actual negotiations will move in the opposite direction of narrowing this text and elements that do not command majority support would have to be discarded. Incidentally, it is unfortunate that when speaking of new inputs and reaffirmed views, the Report, in the part on the African group, only mentions the Ezulwini consensus without spelling out the elements which go against the transitional model and may not be widely known. Again Resolution L69 cosponsored by about thirty developing countries of Africa, Asia and GRULAC was tabled like the other resolutions but is selectively omitted from the Report.

Let me now turn to P5 perspectives presented in the Report. The position outlined in the joint declaration of UK and France is quite different from the way it is interpreted by

some. The second para quoted in the Report has clear support for the expansion of permanent membership. Even the next para which considers renewable longer term seats clearly speaks of "deciding to turn these new types of seats into permanent ones". In short, it does not leave entirely to the future this issue but adopts a teleological approach where the transition is to something predetermined. Again the Report quotes the DPR of USA for whom we have all respect on not alienating a significant section of the membership by the result of Security Council reform, but is silent on his President's specific support for an expansion of permanent membership to include Japan and some others. Fortunately, the Permanent Representative of USA redressed the balance in his remarks today. The Report also ignores an even more specific paragraph on expansion, namely Secretary of State Condoleezza Rice's article "The New American Realism" in the latest July-August 2008 issue of Foreign Affairs where developing countries from Asia, Africa and Latin America are specifically mentioned. The PR of China's remark that what is not acceptable to Africa would not be acceptable, which we had also supported, is curiously and selectively omitted. Is empowerment of Africa not important? We are happy that the Permanent Representative of China reiterated this today.

The Report's section IV on "No Reform Option" states in para 2 the possibility on the basis of differing positions that we could eventually conclude that there is no common ground for intergovernmental negotiations. This can only be possible if one remains caught in the trap of looking for a uniform middle text and thereby going against the consensus decision 61/561 which is clear that all positions have to be included even if they are not common. It is for the process of negotiations to create a greater measure of commonality. Again the Report goes against consensus decision 61/561 by implying that compromise is needed even before beginning negotiations. This is the case in both para 3 of this Section IV on "No Reform Option" and para I of Section VI "Towards intergovernmental negotiations". Compromise is a product of negotiations and not its precondition.

Apropos of the last section "Towards intergovernmental negotiations", we must confess that we found the section misleading, in some ways deeply so. There is no agreement as seems to be implied on additional non permanent seats separately, only as part of a whole in which there is expansion of both permanent and non permanent members. Non permanent members were expanded in 1965 but the problems of the Council listed earlier have continued to mount. There would be little point in making the Council unwieldy without making it more effective. Non permanent members have not been able to resolve these problems, stop encroachment or improve working methods in any significant way. Often as in the case of resolutions on Iran or even Western Sahara, non members get the resolution before non permanent members. The delegation of Costa Rica opposed the practice where four of the five permanent members and Spain, a non member, negotiated and finalized the draft without reference to other Council members and yet, paradoxically, it is part of the UFC which feels that expansion of non permanent members is an adequate reform. New permanent members who are elected

and then held accountable would be able to address these problems, making for a stronger Council in itself and above all in its accountability to the General Assembly, thereby strengthening the General Assembly also. To give an analogy, the strength of Lincoln's presidency anticipated Justice Jackson's dictum that the Executive becomes powerful by acting in conjunction with the Legislature.

The Section's words on Big Bang and time line are equally problematic: if no agreement can be achieved now, why should it suddenly and miraculously become possible after ten years? Would essential vital national interests change so completely? Why therefore stop and revisit? Would this not simply be art for art's sake, reform for the sake of reform? Isn't it better to have protracted negotiations but address the real problems? Is this momentum or the drift and downward eddy of the evasion and postponement of reform, a kind of homeopathic treatment of reform?

We were trying to examine points in the Report with which we can wholeheartedly agree. We found only two points: the summaries of different positions and the clear statement. "All (I repeat all) have expressed their disposition to enter intergovernmental negotiations". But the Report does not clearly translate this disposition into practice.

The Annex in its present form is unacceptable because it continues the old logical redundancy of permanent seats. All existing seats are permanent, five held by specific countries and ten held by specific regions. The terminology is also against the Charter because Article 23 speaks of permanent and non permanent members, not seats. It is also a move backward from the Cyprus Paper which had at least mentioned the expansion of permanent membership. It is significant that in the summary of the Cyprus Paper, this has been selectively omitted. The Annex also goes against not just the Charter but consensus decision 61/561 on including the positions and proposals of all the member states by mentioning the extended seat option and the expansion of permanent membership as alternatives instead of separately and by omitting any mention of the application of Article 27 (3), the question of working methods and the question of access of small and island developing states. Only if the Annex is amended by adding these elements can it serve as an acceptable basis for negotiations. Thus searching for points to agree with, I was reminded of Somerset Maugham's remark on old age: "There are many virtues in growing old", he began before pausing for a very long time. He then continued by saying that "I am just trying to think what they are"

I thank you, Sir

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