



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
DECEMBER 05, 2008

Mr. Chairman,

Let me begin by thanking you and the President of the General Assembly for organising this meeting of the Open-ended Working Group on the "Question of equitable representation and increase in the membership of the Security Council and related matters". We support the President's work plan circulated vide his letter of 24 November 2008 and assure you of our cooperation.

I have no prepared statement and therefore permit me to respond to some of the statements that have been made. The distinguished representative of Qatar made an important, well-argued and cogent presentation on Qatar's position on substantive issues including on increase in Permanent membership, the Veto and working methods. All these are a part of process of actual negotiations. Therefore, the sub-text was clear: it is high time we actually negotiate and continuing consultations in the OEWG are useless and irrelevant; it is significant that he did not speak on the framework. The distinguished representative of the Czech Republic did not speak at all and, as you said, the Czech chair was empty, an eloquent comment on the irrelevance of these consultations. The distinguished representative of Cuba comprehensively and ably demonstrated how Decision 62/557, unanimously adopted on September 15, 2008, covers all the relevant aspects of framework in clear and concrete detail.

It is therefore legitimate to ask why some colleagues from the Uniting for Consensus are presenting a proposal on framework. A distinguished Permanent Representative – and I am quoting from his statement which I have before me – described the proposals thus "It is a working paper that does not pre-judge the meaning of 'framework' and 'modalities' or even of 'methodology'" and then goes on to do precisely this by speaking of consensus, no records or adoption of formal decisions, "nothing is agreed till everything is agreed", "negotiated solution... well above 2/3rds of member states". Another distinguished Permanent Representative from the Uniting for Consensus gave the game away by emphasizing "negotiated" and "agreed" solutions. These are used and repeated in the paper in the section "Terms of Negotiations" which also speaks of "clear rules and procedures", "no vote", etc. These phrases and notions were discussed and specifically rejected in the negotiations on 15th September. The answer to the question that we posed – on why some colleagues from the Uniting for

Consensus are presenting this proposal on framework – becomes clear. They are resuscitating notions that they failed to secure in the unanimous decision 62/557 of 15 September 2008 because they were specifically rejected by the overwhelming majority. In short, they are attempting to re-open and re-negotiate Decision 62/557, hardly a demonstration of the “good faith” that the paper speaks of. The need for the postponement of the November 21 meeting commencing inter-governmental negotiations and of holding the present meeting was sought to be justified as a confidence building measure but it is apparently more, a lack of confidence building measure because it can only promote lack of confidence. Thus, theirs is a rearguard action, desperate and therefore doomed. We cannot accept any change in the scope of unanimous GA Decision 62/557. The OEWG does not have the mandate to discuss the terms of the negotiations. The UFC paper and the earlier Mexican paper proposed an extensive mandate of the OEWG which is not included in Decision 62/557 and is not consistent with it. In fact, the proposal of turning the OEWG into this kind of “prepcom” was raised and categorically rejected when Decision 62/557 was drafted.

The earlier Mexican proposal also attempts to establish an unwarranted linkage between the commencement of negotiations in the informal plenary of the GA and the work of the OEWG. Let me reiterate that the commencement of negotiations is not related in any way to actions taken under para (c) of Decision 62/557. The term “so far” in the first line of para (d) of Decision 62/557 removes any doubts on this issue. Thus “so far” means that the GA plenary would only take note of what the OEWG has done till September 15, 2008; it is not bound to take note of what the OEWG does subsequently. The wording of Decision 62/557 excludes the possibility of any linkage between the conclusion of the work of the OEWG and the commencement of negotiation in the informal GA plenary.

As for framework and modalities for negotiations, the issues are clear. Since we have decided to commence inter-governmental negotiations in an informal plenary of the GA based on proposals by member states, the rules of procedure of the GA would apply, and would be sufficient to cover framework and modalities of the negotiations. We cannot agree to any separate or special rules. If any further clarifications on issues of procedure of negotiations are required, these will be worked out as part of the negotiation process in the informal plenary of the GA, as has been the case with other negotiations. I do not doubt the good intentions of any but then the road of the OEWG (or road map), like the road to hell, is paved with good intentions, whether they take the form of obsolete notions or rejected ideas.

After 15 years, it is a little strange to talk of objectives and principles of the reform. It is like listening to the whole of the Greek epic ‘Iliad’ and then, at the end, asking, “Who was Achilles?” Looking at the OEWG’s record of non-achievement of 15 years, obviously it has either had no worthwhile objectives and principles or the wrong ones. So, instead of discussing the objectives and principles of the reform or of inter-governmental negotiations, we should discuss the objectives and principles of the OEWG. In any case, the objectives and principles are contained in the World Summit Outcome Document and Decision 62/557. If any further refinements are needed, these would come out of the practice of negotiations. Negotiations are necessary. ‘Framework’ is rooted in ‘frame’ (like the frame of a door or window or painting) and

the difficulties in the OEWG stem from the fact that we are trying to make the frame before we have pierced a window or painted a picture.

I thank you, sir.

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