



Adapted from extempore remarks

Remarks by Mr. Nirupam Sen, Permanent Representative,
at the meeting of the Open Ended Working Group on 19 January 2009

Mr. Chairman,

At the outset let me thank you for organizing this meeting.

For those of us who had any doubt, the meeting of the OEWG on 5 December 2008 clearly demonstrated that further consultations in this body cannot advance the process of reform of the UN Security Council. Except for a limited number of delegations arguing for more OEWG meetings, the vast majority of Member States clearly indicated their desire to commence intergovernmental negotiations at the earliest.

Even on matters of substance, the last meeting did not produce anything new on the issue that it was supposed to consider viz. "framework". All we saw was a working paper, which seeks to reopen unanimous Decision 62/557 and impose preconditions on the negotiations. Concepts like "endorsement" of the results of the work of the OEWG go completely against the term "so far" in para (d) of Decision 62/557. Attempts to arbitrarily define objectives, guiding principles and terms of negotiations seek to impose pre-conditions on negotiations, and cannot disguise the real intention of converting the OEWG into a prepcom. Such proposals were categorically rejected on September 15, 2008. It is particularly surprising that the objectives of the negotiations are being debated after 15 years of consultations in the OEWG – can there be a more telling comment on the irrelevance of the this forum?

I am astonished that there is so much talk about consensus by the UFC accompanied by rejecting whatever enjoys consensus - GA Rules of Procedure, Decision 62/557, early commencement of intergovernmental negotiations. Equally astonishing is the quibbling over formal and informal plenary which have established rules, procedures and practices. Unless the attempt is to delay negotiations there seems no justification for reinventing the wheel, for setting aside established an accepted Rules of Procedure and trying to devise new rules that would take years to agree upon. One of the members of the UFC said that they should be placed for "marginalized parties, small states". Another claimed that the Spain – Argentina proposals (based entirely on the earlier Mexican proposal) were supported by ten countries. Let me categorically state

that forty countries (most of them "marginalized parties, small states") of the L-69 Group in a written letter to the PGA have rejected these proposals.

A leading representative of the UFC stated "the merit of Decision 62/557 is contentious". This is a truly extraordinary but revealing statement. It really gives the game away. It can only contribute not to confidence but to lack of confidence. The statement clearly shows that the sole objective is, under the guise of objectives, principles, terms and modalities, to once again put forward proposals that were rejected on 15 September 2008 and thus try to reopen Decision 62/557. The paper just presented by Canada and Malta, which incidentally is a rehash, even repeating the language of the earlier Spain – Argentina paper, demonstrates that this is the indeed objective. For instance, Operative c) selectively reformulates the objective of reform in the World Summit Outcome Document of 2005. Operative e) speaks of "negotiated solution" and a majority "well above the required two third majority" both of which were considered and totally rejected on 15 September 2008. After all the then Permanent Representative of Italy had played a key role in drafting Resolution 53/30 of 23 November 1998 which had raised the bar for reform well above even the UN Charter – from two thirds of those present and voting to two thirds of the membership. Now the UFC wants to raise the bar even higher – presumably to make the reform impossible. Operative j) speaks of the principle of "single undertaking". This is simply consensus by another name and quite different from a comprehensive approach on which we all agree. The idea of consensus was rejected on 15 September 2008 in favour of wide political acceptance. We are told that the Canadian paper is marked by restraint and the spirit of compromise. I am reminded of a verse by the poet Roy Campbell: "You praise the firm restraint with which they write - /I'm with you there, of course:/They use the snaffle and the bit all right/But where's the bloody horse?"

A Member State said that there is no consensus and we must come up with new ideas. Our ideas are contained in Decision 62/557 on which there is a consensus and which was unanimously adopted. Let us proceed on the basis of this consensus and the GA Rules of Procedure. Another Member State said that the PGA cannot propose a composite text as the basis for negotiations. There is nothing in the Decision 62/557 which goes against this. If a Member State is opposed to this text, amendments and voting are options. The same Member State claims that the proposals should be based on para.(d) of this Decision. Now para.(d) states that negotiations will be based on the proposals of the Member States. So is the distinguished Permanent Representative of this Member State saying that the proposals of the Member States should be based on the proposals of the Member States?

Today, the OEWG is supposed to consider the issue of modalities. The dictionary defines "modality" as "a prescribed method of procedure". We have unanimously decided to commence intergovernmental negotiations in informal plenary of GA, based on proposals by member states. It is, therefore, evident that modalities for negotiations can only refer to prescribed methods for negotiations in the GA. These have already been laid down by the GA rules of procedure. We should not accept any attempt to redefine or limit these rules under the guise of defining "modality".

The aim of the UFC is clear; to argue about the means so that we can never reach the end. The means become the end, not a means to an end but an end in themselves. It

used to be said that the end justifies the means. Here the means prevents the end. The idea is to sow spoilt seeds so that one cannot reap a harvest, to argue about the route so that one cannot embark on the journey, to argue about the frame, so that one cannot paint the picture, to argue about a triviality and call it a modality.

Let me again 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 doubt 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. There is overwhelming demand for implementing this para and commencing intergovernmental negotiations. We should do so without delay.

I thank you Sir,

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