

Freely 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 NOVEMBER 11, 2008



Mr. Vice-Chairman,

I am grateful to the President of the General Assembly for organizing this meeting and I congratulate you on your appointment as Vice-Chairman, presiding over this meeting. It is a sign of the PGA's confidence in you which we share.

The latest OEWG Report [Document A/62/47] is factual (in the sense of providing bare facts without contextual meaning) and provides no useful insights whatsoever. The only document which is important meaningful and agreed to in it is Decision 62/557. In fact the Reports of the Vice Chairpersons, annexed to it, were expressly rejected in the OEWG by the UFC, the G4, the L.69, and their supporters.

Decision 62/557, adopted unanimously, recognized this reality and decided to commence intergovernmental negotiations in an informal plenary of the GA, based on proposals by Member States, within a defined time limit. In deference to requests made by a few delegations, the majority went along with the view that the OEWG may also be allowed to continue immediately to address the framework and modalities in order to prepare and facilitate intergovernmental negotiations. The OEWG in fact has been given a subsidiary role in the decision of September 15, 2008. Therefore, it is not clear why this meeting is being held. This is the conclusion that one can draw after listening to distinguished colleagues who have spoken earlier. It would have been better to have the OEWG meeting after the beginning of intergovernmental negotiations on November 21. There could then have been a discussion on how the framework and modality of the negotiations is operating. For fifteen years, this OEWG talk shop has been enough of a drain on our time, energy and resources. It should have been about time to put an end to this barefaced mummery.

Given the past record of the OEWG, we do not expect that any concrete progress will be achieved by it. In the highly unlikely eventuality of its coming up with useful idea it can provide synergy to the negotiations. In the much greater likelihood of its failing to do so, it would not. In any case, the informal GA Plenary on negotiations is not bound to take it into consideration. It is abundantly clear that undertaking 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. So, let us be clear: the wording of Decision 62/557 excludes the possibility of any linkage between the conclusion of work of the OEWG and the commencement of negotiations in the informal GA plenary. I agree with the PRs of UK and France that "the OEWG cannot establish preconditions for negotiations since this would be against the GA Decision".

As regards the framework and modalities for the negotiations, we believe that these issues too are quite clear. The framework is the informal GA Plenary and the modality is the proposals of the Member States. Since we have decided to commence intergovernmental negotiations in an informal plenary of GA, based on proposals by member states, the rules of procedure of the GA would apply. Any further details on these issues can be worked out as part of the negotiation process, as has been the case with other negotiations.

A couple of speakers have said that we should define purpose and objective of negotiations, which have already been clearly formulated in the World Summit Outcome Document and Decision 62/557. These speakers talk of road map, parameters and the like. None of this figures in Decision 62/557. These are attempts to create artificial obstacles in order to go back to the pre-September 15 period and illegally, through

these manoeuvres to undermine if not reverse the unanimous Decision 62/557. Another speaker said that the informal GA Plenary can only be held after the OEWG presents its Report, latest by February 1, 2009. He completely ignored the important phrase "so far" in para (d) of Decision 62/557 in terms of which the informal GA Plenary is not bound to take into consideration the OEWG's future Report at all. He also made the suggestion that 'first all proposals have to be tabled and only then negotiations can begin'. The logical conclusion is that the proposal tabled by his Group, including through a formal Resolution, was after all not a proposal at all. Proposals of the Member States are well known and are contained in the Resolutions tabled, the letters written to the Presidency and the Statements made since at least 2005. Another speaker talked of 'not rushing the process'. After fifteen years it is a little excessive to speak of rushing any thing.

One speaker referred to some kind of gentlemen's agreement. We proposed insertion of the phrase "so far" to the then PGA and we were not part of any such agreement nor are we aware of it. In any case, these are strange gentlemen who meet in a small group in secret that the rest of us know nothing about. Rather a select and secret league of gentlemen. They are in fact ghosts holding on to the ghost of the OEWG, sitting crowned on the grave thereof. The cold, withered hand of the dead is trying to hold back living negotiations. The absurdity of continuing in this manner is shown by a simple thought experiment. Let us add a phrase to President-elect Obama's moving address after his historic election victory: "A man touched down on the Moon, a wall came down in Berlin and the OEWG met!" You can see from the reaction in this august assembly what the significance of the present OEWG is. After fifteen years of failing to achieve any concrete results the only language that is applicable to it is the question in the great American novelist Thomas Pynchon's latest novel "Against the Day": "What is it doing here, so late in history, with the dismal metonymies of the dead behind it?"

I am also somewhat surprised by the statements made by three colleagues representing countries that are part of the Ibero-American community. I would like to quote from the Special Communique of the Ibero-American Community on United Nations Reform, adopted as recently as October 31, 2008 by Heads of State and Government: "The Heads of State and Government of the Ibero-American countries, in their meeting in San Salvador, El Salvador, on occasion of the XVIII Ibero-American Summit Meeting, recognized that after fifteen(15) years of debates, on 15 September 2008 the United Nations adopted Decision 62/557 to initiate negotiations for the reform of the United Nations Organization...

They recognized the urgent [*the word is not mine, it is in the communique*] need to reform the Security Council in favour of its democratization and the just representation to which our peoples aspire."

A speaker raised the issue of OEWG as precom which was specifically raised by one of his distinguished colleagues on September 15 and equally specifically and decisively

rejected. Also, democracy having been established in his country, we thought there would be greater sympathy for the idea of voting. Its position is somewhat like saying in a democracy: "We do not want to lose. So let us not have elections." This is certainly no way to run a democracy and would be no way to run negotiations.

In conclusion, Mr. Vice-Chairman, we welcome and totally support the PGA's letter of October 10 announcing intergovernmental negotiations on November 21, 2008. I would like to reiterate that Decision 62/557 clearly says that we should 'commence intergovernmental negotiations on the basis of proposals by Member States', not just have a proforma session. We would respectfully hold you to that.

I thank you, Sir

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