

Adapted From

**REMARKS BY MR. NIRUPAM SEN, PERMANENT REPRESENTATIVE, AT THE
MEETING OF OPEN-ENDED WORKING GROUP ON THE QUESTION OF
EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE
SECURITY COUNCIL AND OTHER RELATED MATTERS AT THE 62ND SESSION OF
THE UNITED GENERAL ASSEMBLY ON DECEMBER 14, 2007**

Mr. President,

I thank you for convening this meeting. I would also like to congratulate the Ambassadors of Chile, Portugal and Bangladesh on their appointment. The seven pillars that you outlined have an important historical iconography. The first is the Bible – "Wisdom hath builded her house; she hath hewn her seven pillars". The second is T.E. Lawrence's "Seven Pillars of Wisdom". In short, the seven pillars are associated with wisdom and with revolt and change, not with conservatism and standing still. And that is how we should use them in practice. Unfortunately, in terms of concrete, actual progress in shaping a reformed Security Council, there is little to show. The 17th century mathematician and scientist Pierre Fermat had discovered the principle of least action; at least Brunelleschi was able to apply it creatively in the construction of the dome of Florence Cathedral. In terms of actually achieving reform the OEWG has discovered the principle of no action – of 'running very fast in order to stay where we are'.

We remain caught in the quagmire of the OEWG. It has certainly discussed and thrown light on themes and elements. However on actually reforming or negotiating on a structure of reform, it has remained caught in a repetitive cycle. There are some who may want to continue in this manner and have more of the same but this cannot be equated with progress. As for negotiables, these have already been identified over the last fourteen years but the OEWG has not been able to harmonize contradictory negotiables and therefore these remain buried in the quagmire. The task now, Mr. President, is to harmonize negotiables in order to transform these into a text which can be the basis for negotiations. It is surely illogical to suggest, as is sometimes done,

that because the G4 proposal which came near to success in the summer of 2005 and was pursued for two years did not eventually work, we should stick to the OEWG which has not come even remotely close to success and has not produced reform in fourteen years. It cannot be expected to do now what it has not been able to do for fourteen years. It is precisely because of this practical fact that we have paragraph (d) in Chapter IV Recommendations transmitting the report of the OEWG. That is why in terms of this paragraph intergovernmental negotiations have to be held outside the OEWG. We do not see any ambiguity here. As the Permanent Representative of Netherlands put it in a moderate way, while the OEWG maybe part of the process, the process is not necessarily a part of the OEWG.

Similarly, if the Facilitators' reports are to be privileged, paragraph (d) would have done so. Or the previous President or you, Mr. President, would simply have begun negotiations on the four Notions of a Way Forward in the conclusions of the first Facilitators' report. Clearly, the reports succeeded no more than the G4 proposal. More than one third of the membership were opposed to an intermediate solution and those actively supporting it did not substantially exceed this figure. Hence paragraph (d) of the Recommendations transmitting the OEWG report and the last paragraph of your letter of December 6 announcing this meeting. Therefore we have to base ourselves on the progress achieved in the Sixty First Session (which includes the Facilitators' reports) as well as the positions and proposals of the member states. Hence the recommendations are clear; there is no ambiguity.

The task therefore is an urgent search for elements or negotiables. One way is for the member states to formulate elements in groups which may in some cases be 'overarching'. A group that actually formulated elements and tabled these is the group that cosponsored Resolution L69. This comprised Small States and included those who were either members or supporters of groups like SIDS, IBSA, AU, G4 and S-5. Speaking of overarching groups, it may be useful to examine the concept of an arch. In India, we had developed this on slightly different principles long before but in Europe the concept perhaps goes back to Italy or the Romans. The principle here is to use the law of gravity against itself (not to try to break the law as some of my friends may wish to do, like Macavity the mystery cat): mutual pressure of the stones produces and keeps stable the arch. But this is applicable only to intergovernmental negotiations because they are supposed to produce the arch of reform, not to the search for elements which is equivalent to quarrying or cutting the stones: here mutual pressure may only misshape the stones.

In any such group of member states, the weight of numbers behind different opinions (that are included in the group) would shape the final elements that are produced. An essential and necessary corrective is to make such groups

transparent and open ended (in the sense of inclusive and not in the sense of leaving the question open forever, without bringing it to closure). But even after the task force has tinkered with these elements and consulted widely, they would still not have sufficient legitimacy to be a basis for negotiations without being put to the vote to clearly demonstrate initial majority support. Here let me say that at that stage we had advised a straw poll and it is precisely by not testing the Notions of a Way Forward in the first Facilitators' report through such a poll that we lost the chance of privileging it. It is this that deprived the first Facilitators' report of a privileged position.

In any case the normal democratic procedure in any democratic country is to begin with a majority opinion and then, through negotiations, integrate to the maximum extent possible the minority opinion into it. For us here also there is no other democratic way if we are to bring this matter to an optimal and acceptable closure.

The only other way that occurs to us is to begin with Africa. In this context, the Representative of China both in remarks at this meeting and at the previous debate had correctly spoken of acceptability to small states (many of whom incidentally spoke through L69) and to Africa. Africa has been the most excluded continent in decision making councils. It is therefore logical to take the AU position as the basis for negotiations. Let me here emphasize the crucial conceptual difference between something being the final structure and being the basis for negotiations. The AU position may not have majority support as a final structure but we are confident that it could have majority support as a basis for negotiations.

Since you have asked us, Mr. President, to spell out negotiables or elements, for us these remain those we have tabled in L69 and therefore permit me to read these out:

- Expansion in both permanent and non-permanent categories
- Greater representation to the developing countries
- Representation to developed and economy-in-transition countries, reflective of contemporary world realities
- Comprehensive improvement in the working methods of the Security Council, including ensuring greater access to island and small states
- Provision for a review.

You will notice that regional representation is missing from this list. This is not a slip of the tongue. It is deliberate. On June 22, 2007, there was a Summit meeting of the European Union. This Summit decided on a new EU Foreign Minister or High Representative for Foreign and Security Policy who would be backed by an EU External Service and chair EU Foreign Ministers' meetings.

However, it was decided that France and UK would retain their permanent seats and there was nothing on a regional EU seat. Why did those EU states who are members of the Uniting for Consensus not ensure a regional rotating EU seat at the June 22 Summit? It is clear that even the EU, the most integrated region, is not ready for such representation. The first Facilitators' report came to the same conclusion that this is not the time for regional representation. Therefore there is no place for regional representation in the list of negotiables or elements. The representative of a member state who spoke earlier, on the one hand said that we should adhere to the Facilitators' reports and on the other hand contradicted himself by arguing in favour of regional representation. The meaning of the African Union text is also clear – they are looking for permanent permanent seats: it cannot be otherwise given the emphasis on there being no discrimination in respect of the powers and privileges of old and proposed new permanent members. Some of our friends on the other side therefore are torturing texts before we even have a text.

If I may be permitted an illustration from Chemistry, we look to your leadership Mr. President to choose the right democratic method, a choice and method that would facilitate the emergence of a crystal from the watery solution of the last fourteen years rather than one that keeps it weak and diffuse.

I thank you, Sir.

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