

Summary of Extempore remarks

REMARKS BY MR. NIRUPAM SEN, PERMANENT REPRESENTATIVE, ON UN SECURITY COUNCIL REFORM AT THE MEETING OF THE OPEN ENDED WORKING GROUP ON APRIL 10, 2008

Mr. President,

I thank you for organizing this meeting of the OEWG. The United Nations Millennium Declaration of September 8, 2000 adopted by Heads of State had emphasized a comprehensive reform of the Security Council. The World Summit of Heads of State in September 2005 had emphasized early reform. We are continuing consultations on what has already been exhaustively discussed over almost three decades since 1979. Though it is so late in the day, the reform offered is partial, which does not address any of the real issues.

You have circulated four documents. The paper sent by the distinguished Permanent Representative of Cyprus on behalf of the six member drafting group mentions the option of permanent membership. The letter sent by the Chair of the African Group advocates negotiations on the basis of Ezulwini consensus. This clearly includes expansion of permanent membership. We cannot torture texts: a group that stands on dignity, is totally opposed to discrimination to the point of asking for the veto, cannot logically settle for anything less than permanent membership. Interestingly, the Organization of Islamic Conference (OIC) Resolution circulated by you together with the OIC final communiqué emphasizes changing the present paradigm: one cannot do this without new permanent members; clearly non permanent members have failed to change the current paradigm and more of these, even semi permanent ones, can only repeat the failure. This becomes clear from para 73 of the final communiqué which clearly states that the OIC member countries will "promote the comprehensive reform of the Security Council" and "ensure the equitable representation of the OIC countries

in all categories of the enlarged Security Council". All categories obviously include the permanent category. Incidentally, the reference to "consensus" is clarified in the Resolution as "the broadest possible agreement". Those members of the OIC who are leading lights in the Coffee Club or Uniting for Consensus [UFC] (which opposes permanent membership) may wish to explain the contradiction in their position. I am reminded of the conflict between Catholics and Protestants on the doctrine of transubstantiation in the reign of Elizabeth I: the first paragraph of Article 27 of the Church of England says that the doctrine is true; the second paragraph calls it an idle superstition. This kind of consistency may have been appropriate for the sixteenth century but is certainly not so for the twenty first. Therefore, the paper of the UFC is in a minority of one among these four documents. Moreover their insistence on negotiations being in the OEWG is an attempt to redefine the unanimous mandate of the 61st Session where paragraph (d) on negotiations says no such thing. Similarly, and even more seriously, they are trying to revise this unanimous mandate by insisting on only the interim model which ignores the mandate's "proposals and positions of all the member states".

The distinguished Permanent Representative of Liechtenstein said that the G-4 and earlier proposals were not successful and therefore we should negotiate on an interim model. It is clear that the interim model did not succeed either. Otherwise paragraph (d) would only have mentioned the facilitators' reports and not "the proposals and positions of all the member states". He also said that working methods will be neglected if they are lumped together with enlargement. History proves that the opposite is the case. Working methods have been neglected because they have not been lumped together with enlargement. Resolution 267 (III) of 14 April 1949 was radical on working methods and adopted unanimously; it was never implemented. The S-5 Resolution could not even be moved for action. It is self evident that unless there are new permanent members committed to new working methods and held accountable for doing so, working methods can never change.

Without expansion of permanent membership the real problems cannot even begin to be addressed: P-5 decisions being binding on 6.5 billion people who have no voice or representation; non implementation of Articles 31 and 32 of the Charter; access of small states and SIDS to the subsidiary bodies; a gradual change in political culture including on the use of veto. An interim model will simply add to numbers without addressing the issues. It would be reform for the sake of reform, like art for art's sake. The interim model claims to be for greater representation but there would be no representation among permanent members; it argues for checks and balances but there would be nothing to check or balance these; by merely adding to numbers it would make the Security Council unwieldy without making it more effective; it would be the worst of both worlds. Above all the interim model does not empower Africa and the developing countries generally. Of course we understand that existing permanent members are comfortably seated at the horse shoe table and it is always a little uncomfortable to move closer together to make room for new arrivals.

Therefore the interim solution is not a solution but a problem, not a structure but gerrymandering; talking of overarching groups, it is not an arch but throwing bricks in the air and hoping that they will hold like a rainbow. It is an attempt to deny developing countries permanent membership. The structure of the Security Council is given. A comprehensive reform means that one has to expand each category and reform the working methods. Negotiations should be on detail only not on the structure which is already given. In this sense, the position of the African Union is logical. One may then ask where does flexibility and compromise come in? Firstly, as stated, on details – expand by how many members, whether with veto etc. ; secondly, on integrating the minority into the majority view to the extent possible – by expanding permanent members through an initial election and subsequently making continued permanent membership subject to a review or even challenges, properly formulated.

Let me briefly comment on the paper submitted by the Permanent Representative of Cyprus. There is only a single reference to expansion in permanent and non permanent categories and these are subject to being interpreted as alternatives because of unclear wording. At present two thirds of the UN membership are developing countries. Within the increase to 22 that is proposed, the ratio would change from 8 out of 15 to 12 out of 22: in short the proportion will remain almost constant. Just as the model does not give greater representation to developing countries, there is no reference to small states or to the concerns of Small Island Developing States such as greater access. Delinking working methods from expansion in the permanent category would reduce the new working methods proposed to a dead letter. Only two additional seats are proposed for Africa which would mean that Africa would continue to be discriminated against in the revised Council. The formulation on challenges is also neither equitable nor balanced.

Permit me Mr. President to summarise our position.

Mandate for expansion of the UNSC cannot be misinterpreted to mean partial expansion, modification of the Council's structure, introduction of a new membership category or other such ideas. Genuine expansion of the UNSC must have expansion in both membership categories.

We respect the 7 principles (pillars) outlined by the PGA. We must also remember that the basic mandate for our efforts stems from the unanimous UNGA decision 61/561. This clearly mandates building on the progress achieved so far, as well as the positions of and proposals made by Member States. Interim options seek to negate this mandate by arbitrarily excluding some options from being negotiated.

The draft text sent by the PR of Cyprus appears to be focussing mainly on reaching an intermediate / interim option and this perspective resonates throughout the text. The possibility of expansion in permanent membership appears to be an

afterthought and an aside. The assertion in the text about 'apparent willingness to negotiate on the basis of achieving intermediate reform' remains untested. Proposed reform of the working methods is also limited.

Attempts by a minority group to limit intergovernmental negotiations to only the intermediate option are unacceptable.

This goes against the view of the overwhelming majority that genuine expansion and reform of the UNSC requires expansion in both permanent and non-permanent membership categories.

Consultations and discussions have gone on for long enough and all the views, positions and proposals are well known. There is a palpable desire among member states to move to the next step of intergovernmental negotiations. The PGA needs to lead this process by convening an informal GA plenary at the earliest, where all proposals and ideas for expansion of the UNSC can be negotiated.

The convening of the informal GA plenary does not require any further discussions or debates in the OEWG. Instead, the Task Force should be requested to quickly integrate the various options conveyed to the PGA through the different letters, keeping in mind the overriding mandate of UNGA decision 61/561 to include the positions of and proposals made by Member States. This should then be presented to the informal GA plenary.

We reiterate our support to an objective and transparent method [such as a questionnaire or a straw poll] to determine the elements that command the widest support amongst UN member states. We also reiterate the following concrete elements on negotiables that could form the basis for inter-governmental negotiations at the informal GA plenary:

Expansion in both permanent and non-permanent categories

Greater representation to the developing countries

Representation to the developed 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

I thank you, Sir.

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