



**Statement by Mr. Nirupam Sen, Permanent Representative, on  
Report of the Secretary-General: "In larger freedom: towards security,  
development and human rights for all" at the 59<sup>th</sup> session of the UN  
General Assembly on April 8, 2005**

Mr. President,

We welcome your initiative in convening the plenary meeting of the General Assembly to consider the Secretary General's Report "In larger freedom: towards security, development and human rights for all." The Report is well structured and well-intentioned and sets out the issues that need to be addressed. We hope that these deliberations will set the stage for constructive and meaningful discussions at the thematic consultations that will be conducted by the facilitators. We reiterate our commitment to continue to participate actively and contribute to the work ahead of us in order to reach broad agreement on the different issues under consideration with a view to achieving balanced outcomes.

First of all, I would like to join my distinguished colleagues in mourning the passing away of His Serene Highness Prince Rainier of Monaco and of His Holiness Pope John Paul II. We feel that the best way of mourning Pope John Paul II is to act on his words. On November 13, 1987, he "expressed the hope" that "relationships of exchange and the mechanism of finance can be reformed before shortsightedness and egoism degenerate into irremediable conflicts". On November 19, 1994, he stated that the United Nations is the "focal point of a widespread vivid consciousness of the need to address the grave imbalances that undermine world peace because they undermine justice and equity in relation between peoples" and concluded that "the fiftieth anniversary appears as a conspicuous opportunity for necessary reform and amendment." Therefore, the Summit cannot just be a summit for the MDGs. It has to be a summit for reform of the international economy and its institutions and of the UN, a summit for ending the grave imbalances in the international economy, in the UN Security Council, in the United Nations.

We agree with the Secretary-General that we need to see the Millennium Development Goals as part of an even larger development agenda. In our view, the outcomes of the United Nations conferences and summits, particularly the Brussels Programme of Action, the Almaty Programme of Action and the Mauritius Strategy for

the implementation of Barbados Programme of Action, which seek to address respectively the special needs of the Least Developed Countries, Land-Locked Developing Countries and Small Island Developing States, should form part of this development agenda. We would be supportive of consideration of measures that seek to address the problems faced by commodity-dependent and low-income developing countries.

My delegation associates itself fully with the statements made by Malaysia on behalf of the Non-aligned Movement and Jamaica on behalf of the Group of 77. I would draw attention to the need mentioned by the distinguished Permanent Representative of Jamaica to address systemic issues. This has become a matter of urgent practical necessity. When the Bretton Woods Institutions were created, it was in the context of Keynesian demand management to promote high levels of employment. The chains fell from the poor. In the last two decades, in places like sub-Saharan Africa, the IMF picked these up and placed these back on their shoulders. The medieval highwayman at least took from the rich and gave to the poor: the present international economic system takes from the poor and gives to the rich (through negative resource flows, low commodity prices, poor market access and the like). The centrality of development can, therefore, only be retrieved if the UN takes control of the international economic agenda: let us not forget that concessional aid, internationally created reserve assets and sustainable development were first debated and decided in the UN: the Bretton Woods Institutions followed. The MDGs cannot be achieved without implementing the 0.7% ODA target in a time bound manner (incidentally, Monterrey was a consensus but if consensus could make a difference, there would have been no need for the Sachs Report) and innovative financing. We welcome the call to conclude the Doha Round of Trade negotiations by 2006. In our view, measures should be adopted to operationalize the development dimension in the outcome of trade negotiations. The High Level Meeting of the General Assembly in September must give a political direction in this regard to the Hong Kong Ministerial of WTO in December especially on agricultural subsidies; non-agricultural market access (NAMA); TRIPS; services; non-tariff barriers; special safeguard mechanism and the principle of special and differential treatment. This is especially critical because of the attempt in NAMA negotiations to eliminate the flexibilities for developing countries in paragraph 8 of Annex. B of the July, 2004 package in WTO. This strikes at the heart of special and differential treatment. Incidentally, we saw the unsuccessful attempt in the Statistical Commission recently to eliminate indicators for monitoring MDG 8. Practical steps are needed to overcome the participation deficit of small developing countries on account of their under-representation in international economic decision-making and norm-setting. Our societies do not live on bread alone but also on solidarity and self reliance: India has written off the debt of the seven Highly Indebted Poor Countries and will continue with its economic and scientific initiatives such as Team 9 involving a concessional credit of US\$ 500 million and technology transfer to West Africa, further cooperation with NEPAD, continued cooperation through IBSA as well as the satellite and fibre optic connectivity mission in Africa. We welcome the recognition given by the Secretary General to the need to address with urgency the special needs of Africa and we support his proposal to develop and implement a ten year plan for capacity building within the African Union. We hope to see commitments for concrete and implementable decisions.

We would strongly counsel against a nihilistic approach to the Secretary General's Report for very practical reasons. If we adopt such an approach, we can do nothing about the future in which there would be occasions when force is used; more occasions when laws are made; still more frequent occasions when a certain economic agenda is followed. The economic and security system is gerrymandered in the interests of the rich and the strong. Only if we engage actively can we ensure that no country in the UN is too weak to influence the UN; correct substantially the imbalance; ensure that the use of force is constrained, that the economic agenda is truly development oriented and decisively influenced by developing countries and that laws are made by the General Assembly. It is in this context that we are happy that the Ad hoc Committee of the General Assembly adopted at the beginning of this month the International Convention for the Suppression of Acts of Nuclear Terrorism. This paves the way for the Comprehensive Convention on Terrorism during the 60<sup>th</sup> Session of the General Assembly.

The General Assembly can only be revitalized through action, through taking decisions according to the approved rules of procedure (not an imposed consensus); asserting control over long term questions of peace and security, including disarmament and arms control (Articles 11 and 14 of the Charter); elaborating international law and human rights, including oversight of all human rights machinery (Article 13.1); controlling Secretariat restructuring, including finance, personnel and management; setting the international economic agenda; and establishing the principles of oversight and accountability through actually selecting permanent members of the Security Council. This revitalization cannot be accomplished through a mere rationalization of agenda and meetings or by transferring items from one weak body to another. Its revitalization is necessary to guide and direct the other organs of the system and thereby fully exercise functions envisaged under Article 10 of the Charter. In fact, the source of legitimacy for the Security Council is support by the General Assembly. The weakness of the General Assembly and the strength of the Security Council has become a zero sum game. The relationship between the two is dialectical, as we have had occasion to say before. The weakness of the General Assembly means a weak (in terms of legitimacy and support) Security Council because then the UN becomes top heavy, unbalanced and, therefore, weak and lacking in legitimacy: a strong General Assembly means a strong Security Council.

During the decision on the Namibia 1971 case, Justice Fitz Maurice (incidentally a right wing conservative) had stated that "it was to keep the peace, not to change the world order, that the Security Council was set up". The attempt to change the world order has led to much disquiet and questioning, creating a legitimacy deficit that in some cases inevitably leads to a performance deficit. The question, therefore, is not one of efficiency or enlargement of the permanent membership but efficiency through enlargement. Only such an enlargement can include areas that are affected by decisions as well as countries that can contribute resources and capabilities and above all contribute to optimal decisions and their wide acceptance, thereby minimizing the use of coercion and force and increasing the power of persuasion and acceptance. That is why India has been working with Brazil, Germany and Japan and in cooperation with countries of the African Union for a Security Council reform that would increase the number of permanent members and non-permanent seats by including developed and

developing countries in an expanded Council. Without the expansion of this political basis, Security Council action will not be authoritative and hence not effective: it would lack political legitimacy even if it has legality. As for periodic elections leading to accountability, have they so far carried forward the agenda of developing countries or ended their alienation? Accountability can only be ensured if those selected are given the power for change through permanent membership and then held accountable and their performance subjected to stringent scrutiny through a review. The encroachment on the powers of the General Assembly continues; transparent working methods have not been adopted to any significant degree; only new permanent members selected by the General Assembly with a clear mandate and held accountable by it can make a difference. Circumstances surrounding Resolution 1441 of November 8, 2002 completely undercut Model B or any variant thereof: when the P-5 were divided and the non-permanent members could have made a difference, they stood aside, urging the P-5 to agree among themselves and assuring their support for any agreement so reached.

Democratization essentially is the dispersal of power, a transformation of the balance of forces. To argue otherwise is to believe that democracy is simply a polite name for continued dominance. Are some opposing voices from within the P-5 because of the fear of lack of effectiveness or to prevent even the slightest erosion of dominance? Is the talk of consensus a means of preventing dangerous divisions or a means of preventing democratization? If we fear division then should we sit back and do nothing on many other important questions relating to economic development that may also cause division? To have a total consensus should we abandon parliamentary democracy and voting and replace it with a system of consensus decided by a dominant elite? It is said that the ancient Greeks voted with stones. Should we then have the consensus of tomb stones? We have begun our search for consensus in the sense of the broadest possible agreement at the meeting called by G-4 on March 31<sup>st</sup>. We shall consult with all and take their ideas on board. We cannot believe that a minority uniting for consensus is a consensus and not a contradiction in terms.

There is a broad difference between the three European members of the P-5 on the one hand and the two non-European members on the other. The two non-European members have opposed broad agreement and early decisions and repeatedly emphasized the virtues of consensus and the evil of artificial deadlines. Thus, there is no consensus in the P-5. How then can one expect consensus among 191 members? Consensus, like charity, should surely begin at home. If consensus is considered such a vital principle, why not adopt it (with the abolition of the veto) in the Security Council for taking all important decisions (and what can be more important than the use of coercion, whether sanctions or military force, truly matters of life and death)? They know perfectly well that this would paralyze decision-making in the Security Council. But there is no hesitation in paralyzing decision-making in the General Assembly. By a curious coincidence both the statements are entirely silent on the revitalization of the General Assembly. This silence on the revitalization of the General Assembly is in sharp contrast to the anxiety to prevent expansion of the permanent membership of the Security Council. To speak of artificial deadlines after a decade spent in consultations on this issue is a little extreme. To say that developing countries including from Africa should be included and then propose a process that would exclude them indefinitely is no great service to the developing world that G-77 represents and that, in Jawaharlal

Nehru's moving phrase "carries the burdens and sorrows of the world" in a "kind of twilight between peace and war". Behind the call for consensus one can discern the outlines of dominance buttressed in the distance by the threat of the use of veto. The veto itself would be diluted by the enlargement of permanent membership though it would be even more so by the extension of the veto. The African Union, therefore, has supported such an extension.

The Secretary General has rightly said that consensus is preferable but should not be an excuse for postponing action and has advised a decision before the Summit. He has reiterated his views in the matter a couple of days back in Geneva. An early harvest is not likely to be a bitter harvest but a late harvest may be rotten with untimely rain.

Mr. President,

With regard to the debate on use of force, we believe that Article 51 is clear enough. The framers of the Charter never intended this article to cover anything beyond its text. This view has the support of the decision and opinions of the principal judicial organ of the United Nations, the International Court of Justice. We believe that Charter gives full authority to the Security Council to preserve international peace and security from threats, whether they be latent or patent. If the Council has experienced certain difficulties in assessing the seriousness of threat in any instance, it is owing to the lack of political will of the members of the Security Council than any lack of authority.

Mr. President,

We support the appeal of the Secretary-General to improve deployment options, including the creation of a strategic reserve and a standing civilian police capacity, two initiatives have been targeted to optimise rapid and effective deployment. We believe that the synergy or the interlocking of capacities between the United Nations and regional organisations and arrangements must not substitute and should not be at the expense of United Nations peacekeeping which through its universality and experience occupies a niche that is perhaps unparalleled.

We fully subscribe to the notion that peacekeepers and peace builders have a solemn responsibility to adhere to the rule of law, especially to respect the rights of the people whom it is their mission to help. We have always maintained that peacekeepers can lay a vital foundation in the task of peace building if they embody, in their outlook and behaviour, a long-standing democratic and multicultural tradition.

Mr. President,

On the Peace-Building Commission, we look forward to receiving from the Secretary-General in the coming weeks a detailed paper that gives further information on the Secretariat's thinking on the functions and powers of this proposed body and the lines of authority, responsibility and reporting so as to facilitate further inter-governmental consideration of the matter.

Mr. President,

Because of paucity of time and the lateness of the hour I have not been able to deal with several issues such as disarmament and non-proliferation or human rights and democracy, on many of which our views are well-known. We assure you that we shall work closely with all member States to reach early decisions on different aspects of the matrix of issues that we are called upon to deal with. The imperative of ensuring that the 2005 Summit is a resounding success for the developing countries demands no less from all of us. We are confident that the General Assembly will be equal to the challenge and will strengthen its great legacy and not allow it to be further weakened, that it will move forward and not let itself be moved backward, that its creative energy will move beyond the confines sought to be placed upon it.

Thank you, Mr. President

**BACK TO TABLE OF CONTENTS**