



**STATEMENT BY MR. NIRUPAM SEN, PERMANENT REPRESENTATIVE, IN THE
INFORMAL MEETING OF THE PLENARY TO EXCHANGE VIEWS ON THE
PRESIDENT'S DRAFT OUTCOME DOCUMENT OF THE HIGH-LEVEL PLENARY
MEETING OF THE GENERAL ASSEMBLY OF SEPTEMBER 2005 ON JULY 01, 2005**

Mr. President,

We commend your efforts in conducting these open-ended and transparent consultations on the draft outcome document that you presented to us on June 3. We thank all the Facilitators for the considerable efforts that they have undertaken in the formulation of the set of proposals contained in the draft outcome document.

Mr. President,

We would reiterate that development needs to be recognised as an end in itself and not as a necessary adjunct to ensuring greater security. Without addressing the development problems besetting the vast majority of UN membership, security in its full sense cannot be achieved. We are, therefore, happy to note that the draft outcome document has come up with practical and implementable proposals, especially those relating to the fulfilment of agreed commitments and establishment of timetables to achieve the 0.7% target for Official Development Assistance [ODA].

The development agenda needs to be an inclusive one, going beyond the Millennium Development Goals (MDGs) and the Monterrey Consensus, and encompassing the outcomes of other major UN conferences and summits. The concerns of the least developed, the landlocked and the Small Island Developing States, recognised as groups of vulnerable countries needing special attention, need to be addressed by effective implementation of the outcomes of the Brussels Programme of Action, the Almaty Plan and the Mauritius Strategy. We welcome the recommendations to urgently address their needs and challenges. India has initiated a programme of capacity building, assistance in civil construction and infrastructure and technology transfer to mitigate the effects of climate change and we hope to expand this in the months to come.

India has written off the debts of all the highly indebted poor countries and is happy to note that the G-8 has now also accepted the same approach. This, we feel, is of critical importance for the economic stability and prospects of the highly indebted and the least developed among us. Debt repayments and worsening terms of trade can neutralise all efficiency gains from good governance and sound macro-economic management, and reduce resources available for education and public health. That is why it is so important that debt write-offs have to be accompanied by better terms of trade, greater access to markets and investment inflows. The same logic governs the need to ensure meeting 0.7% ODA target and supplementing this with innovative financial flows.

While welcoming the call for successful conclusion of the Doha Round of Trade negotiations and the sharp focus on the development dimension, to ensure that this is reality and not rhetoric, there ought to be some reflection of the over arching principles of flexibilities, Special and Differential Treatment (integral inter-alia to preserving food security, rural development and the livelihood of millions) and the protection of bio-diversity in terms of the New Delhi Declaration of the Like Minded Megadiverse Countries (specially on disclosure of origin and legal provenance of genetic resources etc.). The rate of growth is a product of the investment ratio and the marginal output capital ratio. For the first domestic savings, a firm commitment to the 0.7% ODA timetable and innovative sources of financing are required. For the second, it is not just domestic good governance but good global economic governance that is necessary. On June 30, the Financial Times headline is "Aid will not lift growth in Africa, warns IMF". I suppose what would lift growth is IMF conditionalities and structural adjustment which would destroy so many lives, break the courage of so many and numb so many working hands so that whatever little is left can be assisted to grow fast. That is what makes IMF gold, in Ruskin's phrase, "brighter in sunshine than in substance."

We are disappointed with the inadequate focus given in the draft outcome document to the role of the UN and the UN system in advancing the development agenda, particularly in the areas of trade, money and finance, debt and technology. We believe that the 2005 summit provides us with an opportunity to restore the primacy of the UN in dealing with the development agenda and that it should lead to an outcome that demonstrates how the UN has retrieved the development agenda and regained the role of providing policy guidance to other bodies dealing with development issues. We would welcome inclusion of stronger commitments in the draft outcome document on systemic issues to address the democratic deficit in the governance of Bretton Woods Institutions. A very small example would show the problem: the IMF is a cooperative institution; why then are its interest rates not lower than market rates?

Given India's long-term association with and commitment to Africa, we want to see concrete and implementable decisions in support of the priorities of NEPAD with a substantial outcome for the special needs of Africa. We have taken several initiatives, in finance, in pharmaceuticals and specially in science and technology in partnership with Africa. We support the UNSG's proposal for developing and implementing a ten year plan for capacity building with the African Union.

We welcome the emphasis on science and technology because we firmly believe that without the application of science and technology, Millennium development goals cannot be achieved on time. Recent advances in science and technology provide an unparalleled instrumentality to combat age-old problems of poverty, ignorance and disease. Access to both new and appropriate technologies and to the cutting edge areas of science and technology need to be enhanced greatly among developing countries. We would like to see in the Outcome Document a recognition of the achievements and potential of South South Cooperation: there is a Northern dimension in terms of resource under pinning of some South South projects. We need to step up the volume of intra-South bilateral and regional trade, investment and technology transfer. Mutually beneficial trade preferences among developing countries can promote economic growth and development. Therefore, the third round of the Global System of Trade Preferences among developing countries holds significant promise.

We the developing countries have a common fight against poverty and disease. As part of our contribution, India is considering earmarking USD 1.5 billion for lines of credit to be used to help Africa fight the battle against HIV/AIDS and other pandemics. We hope to encourage our pharmaceutical companies to establish production facilities in Africa to cater to the increasing requirement for affordable medicines, especially for anti-retro viral drugs. We agree on the need for the international community to urgently provide resources for an expanded and comprehensive response to HIV/AIDS, while recognising the continuing imperative for funding the combat against other deadly diseases as well as for reproductive health issues.

The recent natural disasters caused by the Tsunami and Hurricane Ivan have brought home to all the need for international cooperation at such times. In the spirit of South-South cooperation, India helped form a continuous bridge of search and rescue, medical supplies and mobile hospitals, relief and rehabilitation assistance to affected countries despite huge loss of life and economic devastation faced by us. We support the need for worldwide early warning systems for all natural hazards, especially in the Indian Ocean region.

We would like to caution that the Draft Outcome Document goes beyond the central objective of the Framework Convention on Climate Change: its recommendations are not informed and underpinned by equity and other principles enshrined in the Convention. For instance, the Convention does not recognise any category of "relevant emitters".

Mr. President,

We welcome the reaffirmation that democracy is a universal value. There can be no development without democracy. Democracy includes pluralism and freedom of choice: across the states of India, people freely choose governments ranging from right of centre to Communist. We fully support the proposal on strengthening UN capacity to assist Member States on request and welcome the establishment of a Democracy Fund. On the lines of the Ezulwini Document, there is a need to protect democratically elected governments from unconstitutional overthrow.

Terrorism not only undermines the foundation of freedom and democracy but endangers the continued existence of open and democratic societies. It constitutes one of the most serious threats to international peace and security and cannot be justified under any circumstances, be they political, philosophical, ideological, racial, ethnic, religious or other similar nature.

We welcome the Secretary-General's call to conclude the comprehensive convention on international terrorism before the end of the sixtieth session of the General Assembly. The recent adoption of the Convention for Suppression of Acts of Nuclear Terrorism is a demonstration of the international community's resolve to tackle the menace of terrorism. The General Assembly needs to endorse the proposal to conclude negotiations on the Comprehensive Convention on international terrorism by June 2006.

In this context, we would like to point out that the language in paragraph 55 of the draft outcome document which purports to contain elements of definition of terrorism is already subsumed in Article 2 of the draft Comprehensive Convention on International Terrorism. We believe that the language in paragraph 55, which is fully in consonance with the proposed definition under Article 2 of the Comprehensive Convention on International Terrorism, would be helpful to concentrate efforts on reaching agreement on outstanding issues such as Article 18.

Mr. President,

We have supported the call for the establishment of a Strategic Reserve and Standing Civilian Police Capacity in order to facilitate rapid and effective deployment of UN peacekeeping personnel. Since these initiatives represent an important advance in UN peacekeeping, we would call for the active involvement of member states in the process leading upto their establishment and are ready and willing to engage constructively with both the Secretariat and Member States in this regard.

There has been a propensity, of late, to integrate UN peacekeeping operations with the capacities of regional arrangements, borne more out of the UN's own inability to muster sufficient enthusiasm among Member States to contribute to peacekeeping operations. The UN cannot be everywhere and in such instances regional organisations can play an important role; nevertheless, this integration should not absolve the UN of its primary responsibility that it took upon itself in 1945, to be

the primary guarantor of international peace and security. UN peacekeeping, through its universality and the experience and expertise that it has built over the years, has carved a niche for itself which is perhaps irreplaceable. Regional organisations can only supplement and cannot be a substitute for UN peacekeeping.

We welcome the proposal for endorsing the establishment of a Peace building Commission. We believe that, without prejudice to the competence and respective roles of other principal organs of the United Nations in post-conflict peace building activities, the General Assembly must have the primary role in the establishment and the formulation of the mandate of the Peace building Commission and in the formulation and implementation of post-conflict peace building policies and activities.

Mr. President,

We have noticed a general trend in the draft outcome document urging all States to accede to a treaty or legal instrument. Such a formulation is contrary to the sovereign right of a Member State under the Vienna Convention on the Law of Treaties to consent to be bound by a treaty. We would, therefore, suggest that this should be replaced with the normal UN language which "urges all States to consider ratifying" a treaty or legal instrument.

Mr. President,

We are surprised to see the proposals contained in the section on Disarmament and non-proliferation in the continuum of proposals that emerged from the High-level Panel report, despite concerns expressed by a large number of Member States on them. It appears to us that only few, if any, of these have been taken into account. There are proposals in this Section which inexplicably jettison the broad agreement that exists in the international community on the concerned issue.

The key elements of the current disarmament agenda do not find even a passing reference in the chapeau. Nuclear disarmament remains our highest priority although it has been relegated to an "also appeal" - vague exhortations to take concrete steps towards nuclear disarmament fall far short of the expectations of the international community. Nuclear disarmament has to advance on the basis of universal, multilateral, non-discriminatory and transparent instruments leading to the global elimination of the nuclear weapons in a time bound manner. In the interim, we believe that steps should be taken to lower their alert status; a first step would be a global "No First Use" agreement and non use against non nuclear weapon states, a negative security guarantee. India has already done so. There is need for an internationally binding, non discriminatory, clear and credible assurance by nuclear weapons to non nuclear weapon states that these weapons will not be used as instruments of pressure, intimidation and blackmail.

While India has not signed the NPT, it has never been and will never be a source of proliferation. Our record in this regard is impeccable and better than some of the state parties to the NPT. The Weapons of Mass Destruction and their Delivery Systems (Prevention of Unlawful Activities) Bill recently passed by Parliament further enshrines this commitment. India cannot accept the proposal contained in paragraph 49 urging all States to accede to the Treaty on the Non-Proliferation of Nuclear Weapons. We are not a signatory to NPT and cannot accept proposals that are devised in the NPT framework. The proposal on the Model Additional Protocol should similarly be amended to reflect the fact that NPT State parties are making this resolve. Application of non proliferation norms is as important as the norms. Selective application can only undermine UNSC Resolution 1540.

The Biological and Toxin Weapons Convention should be strengthened not only through improve national implementation but also through an effective mechanism for verification while at the same time providing for increased international cooperation in transfers and exchanges of biological materials and technologies for peaceful purposes. We remain committed to an effectively and

internationally verifiable Fissile Materials Cut off Treaty: the absence of any reference to its being verifiable would alter the Shannon mandate and make negotiations much more difficult. We believe that further work is necessary to adjust the proposals in this section taking into account the views expressed by a large number of Member States in the course of discussions over the report of the Secretary General. We would, of course, be happy to provide further views on this section subsequently.

Mr. President,

We view the need for management reform of the United Nations from the twin imperatives of enhancing both efficiency and effectiveness. The ideas regarding one-time staff buyout, human resources and budget reform, management performance should be viewed from this perspective. No less important are the objectives of achieving greater transparency and accountability. We invite the Secretary General to provide Member States with an accountability framework and to take steps to promote transparency which are both necessary prerequisites for further delegation of authority and flexibility.

As regards review of mandates, we expect the Secretary-General to propose realignment of mandates or the discontinuance of mandates that are outdated or those that have marginal utility and it is for inter-governmental bodies to decide on such proposals. If existing provisions regarding review of mandates have been inadequately utilised, we must see whether these need to be strengthened. It is only to be expected that not all the 36,000 or so outputs that the Secretariat is expected to deliver, will have the same relevance or utility over time. At the same time, it is unrealistic to expect programme managers to propose their discontinuance if this is viewed purely as a budget-cutting exercise.

Strengthening of oversight is an essential element of the reform exercise. The General Assembly, through its Fifth Committee has initiated during the current session certain measures to strengthen the independence and authority of the Office of Internal Oversight Services, and these need to be implemented. We would welcome proposals from the Secretary General in this regard.

On the idea of a comprehensive review of budget and human-resources rules under which the Organisation operates, we have two comments to make. Firstly, it is necessary undertake an evaluation of the impact of recent reform initiatives in order to be able to identify further steps for reform. This is especially true in the area of human resources management reform where it is necessary to allow the Secretariat adequate opportunity for such evaluation and reflection. Secondly, if what is contemplated is not to be mere tinkering with existing structures, fundamental changes can be contemplated only if a comprehensive transparency and accountability framework is in place. We are, therefore, of the view that any such review cannot be finalised and submitted to the General Assembly before its 61st session.

Improvements of personnel structure and quality are objectives that my delegation can whole heartedly support. We are less certain that a management tool like a one-time staff buyout needs to be endorsed at the Head of State/Head of Government level. In any case, such an exercise should be transparent and ensure the retention of quality personnel.

My delegation supports gender balance in the staffing of the Organisation. We are, however, dismayed that the pursuit of gender balance has further adversely affected representation of women from developing countries in the Secretariat and this disparity is even more acutely so at senior levels.

We welcome the emphasis that the Organisation is placing on ensuring that all UN personnel conform to the highest standards of behaviour and fully support the on-going measures to deal with instances of sexual exploitation and abuse. Such measures should extend to all personnel involved in UN activities be they UN staff, peacekeepers or humanitarian and associated personnel.

Mr. President,

We support the proposal for endowing the Office of the High Commissioner for Human Rights with additional resources from the regular budget in order to promote national capacity- building and strengthening technical cooperation programmes towards this end. The issue of greater human rights "field presence/offices" is one of significant sensitivity. We would suggest that this be at the specific request of the Member State concerned, lest this be perceived as intrusiveness. 'Mainstreaming' of human rights, i.e. the integration of human rights into decision-making and discussion throughout the work of the UN, continues to be effectively addressed; at the same time, the equally important task of mainstreaming development into human rights, has not received, in our view, adequate attention.

My delegation is supportive of reform of the Commission on Human Rights, as it has the potential to reduce the politicisation and divisiveness that has beset the Commission. In this context, we find that the few elements proposed in paragraphs 87 and 88 of the draft outcome document are selective and incomplete. Nevertheless, we are ready and committed to engage, now or during the 60th session of the General Assembly, with delegations to have further in-depth discussions on the elements on which Member States will need to reach agreement, including the 'terms of reference', functions and competence of any reformed or new body.

Mr. President,

We feel that the Outcome Document does not go beyond declaratory language into practical measures for revitalising the General Assembly, including its role on issues of peace and security, as set out in the Charter as well as under Uniting for Peace. In carrying out its primary responsibility for the maintenance of international peace and security under Article 24 of the Charter, the UN Security Council acts on behalf of the Member States and therefore there is a principle of accountability to the General Assembly. The General Assembly's role cannot be simply one of "constructive relationship" to "to ensure a better coordination". Similarly, ECOSOC's "reach should exceed its grasp". Since Bretton Woods Institutions have long left behind their original mandate of ensuring stability and high rates of employment through Keynesian demand management, the ECOSOC is irreplaceable. It should go beyond coordination and coherence to setting the agenda. The history over the last one and a half decades of attempts to revitalise these two bodies is a long defeat of reason. For instance, the GA is the norm setting, law making body but it is the UNSC that has lately been making laws and setting up tribunals so that law, as the great Italian writer Leonardo Sciascia says in "The Day of the Owl" is "created on the spot by those in command". In short, till this UN Security Council is reformed through the entry of developing countries as permanent members, a reform of the larger UN system appears as unlikely as it has been over the last one and a half decades.

Mr. President,

I had not originally intended to speak on UNSC reform. But many delegations have done so and left me with little choice. We have not tabled the Draft Framework Resolution during the NGO Civil Society Discussions, during the High Level Dialogue on Financing for Development, during the continuing Cluster discussions on the Document to be adopted by the September Summit. Those who say that we are in a hurry or wish to impede the process are articulating plain disinformation contradicted by facts. As our Foreign Ministers announced in Brussels, we shall introduce the Resolution so as to have a discussion and vote after the AU and CARICOM Summits. Our partnership with AU is a matter of fact, not rhetoric, very different from those who want to see African countries as permanent members but propose a time schedule and process that would keep them out. The strength of developing countries is in numbers. To say that there should be no vote but a consensus is to disarm them of their main weapon. The rhetoric of anti-privilege masks the reality of a cynical defence of entrenched privilege. A country that displaced another through a vote proposes consensus for others; after winning the vote by a bare majority, it proposes very much above a two-third majority

for others; it talks of the participation of developing countries but blocks their real everyday participation through expansion of permanent membership leading to improved working methods involving their participation in subsidiary bodies of the Security Council. In its eagerness to carry the burden of developing countries alone, even when it is not always able to do so, it has forgotten that in G-20 in the WTO it is several developing countries acting together that are able to defend their economic interests.

The perennial wisdom of the Psalms and Proverbs of the King James Bible remains apt: "Pride compasses them about as a chain and violence as a garment." To slightly paraphrase Adorno's "Minima Moralia", "part of the mechanism of the UN Security Council is to forbid the acknowledgement of the suffering it produces". How else can one explain alternative proposals in the face of the experience of coercive economic measures, use of force, political misuse of human rights? Since what we think cannot be controlled, these are possibly an attempt to control what we think about. The campaign of one permanent member is dividing the developing countries; the proposals of the other, irrespective of good intentions, would have the effect of dividing region from region and country from country. Moreover, since none of these proposals has a two-thirds majority behind it, they seem to be looking not for truth but for effect, not for change but the status quo, not for reform but its prevention. In these alternative proposals, the majority of member States are not asked to stamp themselves inferior members of the international community in rhetoric but are asked to do so in reality by not engaging in transforming the co-relation of forces to increase their policy space; by not ensuring the adoption of working methods that would ensure the day to day participation of non members in the subsidiary bodies of the Security Council instead of their election once in a generation; by deliberately misunderstanding the formulation on the veto and its role. These alternative proposals, therefore, when all the mud is flung, are simply a prop of the existing order of the current pattern of power and dominance. Such proposals have not in years achieved new working methods and do not say how they propose to do so now.

We align ourselves entirely with NAM and G-77. There should be no greater empowerment of the Security Council. But by leaving the present co-relation of forces unchanged and not bringing developing countries into permanent membership, thus breaking the charmed circle, this is precisely what alternative proposals are doing. By preserving current patterns of power the proponents of these proposals are manfully bearing on their shoulders the throne of the current power structure. The burden impedes free movement and free thought. We agree entirely with NAM that GA should be made much stronger. How does one do this? Why has this not been possible hitherto? Because of the present balance of forces. Unless this is changed through developing countries becoming permanent members and ensuring participatory, inclusive and transparent working methods revitalization of the General Assembly can hardly be achieved. Above all, the General Assembly would assert its authority by electing new permanent members and holding them accountable. And on that day when none of the P-5 can veto a decision of the General Assembly taken thrice through a two-thirds majority the General Assembly would stand truly and finally revitalized. To change the global economic architecture and ensure the centrality of the UN in economic matters is not easy. The entry of developing countries in the above manner would increase their weight and voice and thereby exercise a beneficent influence on Bretton Woods Institutions. Their presence would make decisions optimal and thereby more widely acceptable and ensure that human rights are not politically misused, that legislation is not unjust, that responsibility to protect does not become an obligation to interfere. It is for the General Assembly to decide if the political culture of threats and harsh language, of pressure and diktat should continue or should end. It is for the General Assembly to decide if there is any fellowship between the conception in the Draft Resolution we have proposed and the hearts and minds of the member States and act accordingly.

Mr. President,

The draft outcome document gives us the blueprint for action and the September Summit provides us the opportunity to put development back on the centre-stage of the global agenda, restore the primacy of the UN in dealing with development and endow the UN with the authority to guide the work of other institutions in the areas of trade, money and finance, debt and technology. We will continue to remain fully engaged in the preparations leading up to the High-level Event in September 2005. We are committed to a transparent process and to reaching a balanced, action-oriented outcome document that can transform this organisation to meet the challenges of the twenty-first century.

Thank you, Mr. President.

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