

Statement

by

**H.E. Ambassador Thomas Matussek
Permanent Representative of Germany**

in 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**

2 September 2008

Mr. President,

Let me begin by thanking you for convening this meeting of the Open-Ended Working Group and by thanking the Vice-Chairs, the distinguished ambassadors of Portugal, Bangladesh, Chile and Djibouti. As we are nearing the end of this session of the General Assembly, this meeting gives us the opportunity to briefly reflect on where we stand on the project of Security Council reform. What have we achieved during the 62nd session?

Mr. President,

At the end of the last session we gave ourselves a mandate for this session. It is contained in document 61/561 of September 17 of 2007, and we adopted it unanimously. As requested in this mandate, the OEWG has continued its work: We have met seven times, we have prepared statements for each meeting, we have listened to altogether about 250 statements by our fellow delegates, and we have dutifully sent many reports on all that had been said to our capitals. Some of us have gone the extra mile and have drafted valuable papers to bring the process forward – most notably my friend and colleague Ambassador Andreas Mavroyannis from Cyprus. All in all, each of us has spent more than a week of his or her life in this room in the past year alone, and many hours in addition to that preparing for the OEWG meetings.

Mr. President,

In spite of all this time and effort we must face the fact that we have neither achieved tangible progress in the past year, nor has the mandate of September 17, 2007 been fulfilled. This mandate clearly requested of the General Assembly under the leadership of its President to consider Security Council reform – and I quote - “so that further concrete results may be achieved, including through intergovernmental negotiations” – end of quote. To this day, however, intergovernmental negotiations have not been initiated.

This failure to fulfill the mandate is even more regrettable because it does not reflect the expressed will of the member states. The overwhelming majority of delegations have time and again stated their urgent interest in achieving progress. They have declared numerous times that they are ready and willing to engage in intergovernmental negotiations without delay, without preconditions and with a clear determination of achieving results.

Mr. President,

You personally have concluded in the last meeting of the OEWG in June that – and I quote – “we have now achieved the necessary preconditions to begin intergovernmental negotiations during this

session” – end of quote. My delegation fully agreed with this conclusion. And indeed, from our point of view there is truly nothing that should prevent any of us from following your invitation, Mr. President, to meet for a first round of negotiations before the end of this session.

Mr. President,

If this path for some reason is not pursued and the mandate contained in document 61/561 stays unfulfilled, what remains is one last responsibility we must not shirk from: The 63rd session of the General Assembly must be put in a position to make up for what did not come to pass in this session: namely the opening of intergovernmental negotiations without further delay.

Mr. President,

In order to achieve this aim, the draft report of the Open-Ended Working Group which you kindly prepared and circulated needs to be further worked on.

Let me outline the most crucial amendments to the draft, which we deem absolutely necessary:

- (1) We need to introduce a precise timeframe. Paragraph e) of the recommendations could for example be amended

to read, - and I quote – “....to commence intergovernmental negotiations *by the end of October 2008*, in good faith, with mutual respect and in an open, inclusive and transparent manner...” – end of quote. This process has been more or less dragging along for far too long now. We must not let this working group degenerate into a never-ending working group. It is high time to move ahead now. This is why we would of course be open to commencing negotiations already in this session, as my distinguished colleague from India proposed.

(2) To my delegation, the way the “Seven principles” are referred to in the draft is not acceptable. Germany – and many other delegations – have stated at the time of their presentation and then again and again and for very good reasons that we do not support and accept these ideas as a basis for the advancement of the process of Security Council reform.

Quite the opposite, some of the “Seven principles” stand in the way of progress and are ill-suited to contribute to the fulfillment of the mandate of September 17, 2007. In particular, the reference to the necessity of a so-called “general agreement” in the fifth principle is, and has always been, unacceptable to us. It continues to prevent us from making substantial progress. We would therefore request that the document be redrafted in order to be historically correct, and not impede further progress.

- (3) We propose to delete the notion of “general agreement” in particular from the preamble of the draft decision but also from paragraph c). The GA has decided, as we all know, that the 2/3 majority rule applies. We should not create any ambiguity in that respect. The **political** aim of achieving – I quote – the “widest possible agreement” is

clearly set out in paragraph e) of the draft decision. It is not helpful to introduce a third type of majority.

(4) In order to clarify the structure of the text and to avoid any misunderstanding on the sequencing of events, we propose to move paragraph f) of the recommendations between paragraphs c) and d).

Mr. President,

These proposals represent the bare minimum of what needs to be achieved in order to avoid the complete failure of this session. With these amendments we could at least lay the groundwork for progress during the next session. Anything less would be a step backwards from where we stood a year ago when we unanimously adopted the mandate of September 17, 2007.

Mr. President,

Let me be quite clear: Such regression would not be acceptable to my delegation. Instead, it would lead us to question the usefulness of the OEWG. If this format proves to be an impediment rather than a catalyst for progress, what do we need it for? What do we gain if we once more – and by the way this year

for the 15th time– recommend to the General Assembly to renew the mandate of the OEWG?

Mr. President,

We stand ready to constructively work with you on the draft report you presented to us today. We stand ready to support you in laying the groundwork for finally making intergovernmental negotiations a reality. By achieving that, Mr. President, you could truly leave your unique mark on the history of the United Nations. Otherwise, this session risks to go down in history as a wasted year. Let us thus not miss the last opportunity of this session to turn onto the road to progress.

Thank you.