

EGYPT



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The Permanent Mission of Egypt
to the United Nations
New York

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Statement by

**H.E. Ambassador Maged Abdelaziz
Permanent Representative
of the Arab Republic of Egypt**

Informal Thematic Consultations on

**Cluster II: Freedom From Fear
in
the Report of the Secretary-General**

entitled

***On Larger Freedom: Towards Development, Security
and
Human Rights for All***

21 April 2005

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Mr. Facilitator,

Allow me at the outset to express our confidence in your able guidance to attempt reconciling the diversity of views on issues under consideration in this Cluster, with a view to reaching some agreed conclusions that would enhance the capabilities of the United Nations in addressing collectively the challenges of the new millennium.

Egypt supports the view that the General Assembly should develop a new consensus on a more effective collective security system, capable of dealing with the complexities of our challenges. For this effort to succeed, we must base ourselves on the respect of the principles and purposes of the United Nations Charter as well as the rules and norms of international law developed by all member states acting together. The legitimacy of such a process and guaranteeing that it would achieve its objectives would require the active participation of each and every United Nations organ without upsetting the balance set up by the Charter. In this regard, the General Assembly, with its wide representation, is the most suitable organ to address a broad range of the threats and challenges that the international community is facing today.

Under Cluster II, two issues related to collective security are of special importance:

First: self-defense, where we concur with the view that the language of Article 51 is restrictive. We emphasize that the right of self-defense under this article exist only if an armed attack occurs against the state. This is supported by the norms and practices set by the United Nations Charter; and solidified in the International Law through various judgments and opinions of the ICJ. Article 51 has no expanded scope of permitting the threatened states to take military actions as long as threatened attack did not take place factually.

The principles governing the use of force are already set up in the Charter, and should not be rewritten or reinterpreted. We do not believe that the Security Council should adopt a resolution setting out principles in this regard and expressing its intention to be guided by them when deciding whether to authorize or mandate the use of force. Should there be a need to develop such guidance any time in the future, the General Assembly acting within the provisions of the Charter is the appropriate organ for developing such guidelines, within the exercise of its mandate to consider the general principles of cooperation and action in the maintenance of international peace and security.

Second: the so-called "responsibility to protect", which has no basis neither in the United Nations Charter nor in the International Law, contradicts the principles of sovereignty, territorial integrity and non-interference in the internal affairs of states. Protecting civilians should be the responsibility of their own state. The international community could have such responsibility only to protect people under occupation from the occupying power, and within the norms and practices established in International Law. It could also help Member States to provide better life standard for their citizens

through protecting the interests of the developing countries, and through facilitating better dialogue among civilizations, cultures and religions.

Mr. Facilitator,

As much as we appreciate the Secretary-General's endeavor to formulate a strategy against terrorism, we believe that it lacks elements of particular importance. State Terrorism should be condemned and criminalized regardless of who committed it. The right to resist occupation should not be labeled as "terrorism", as it is already established and governed within the principles of the International Law. While condemning targeting civilians, we believe that the solution lies in exerting all necessary efforts to end occupation and oppression as they will continue to be the sources of frustration and despair leading to an endless cycles of violence.

We believe that the development of an agreed definition of terrorism should be by consensus and through the General Assembly, particularly after the General Assembly has successfully proven its ability, through the adoption of the Convention on Suppression of Acts of Nuclear Terrorism. We further agree with the Secretary-General that the elaboration of a comprehensive convention to combat terrorism should be high on the priorities of the agenda of the General Assembly, within a scope that would include a consensus on combating measures, as well as ways and means to address effectively the underlying causes of terrorism.

On Sanctions, Egypt reaffirms once again that its imposition should be considered only after all means have been exhausted to settle any dispute peacefully under Chapter VI of the Charter. Thorough consideration of the short and the long term effects of such sanctions should always be in our minds. Sanctions raise fundamental ethical questions on whether sufferings inflicted on vulnerable groups in the target country or innocent third parties are legitimate. In this regard, we reiterate that the objectives of sanctions regimes should be clearly defined with the specific time frame and should be lifted as soon as the objectives are achieved.

Mr Facilitator,

The essence of success for any regime is the equality of rights and obligations among its members. The collective security regime, whatever format it may take, implies a universal recognition that a threat to one is a threat to all, and an attack on one warrants a response by all. This principle is also the standard for any other security regime, including the non-proliferation regime.

The Secretary-General's report presents us with a formidable challenge in this regard. We are asked to be pragmatic and accept that where security and non-proliferation are concerned, the majority should accommodate the minority and, in the case of the states that are not party to the NPT, accept their *de facto* status, or to accept the principle that security for some could allow them to remain outside the regime, while others - who have the same if not more serious

security concerns - would remain boxed in the regime and committed to abide by its strict provisions.

The Secretary-General states that the NPT is facing a "crisis of confidence and compliance born of a growing strain on verification and enforcement". This is a questionable point of departure. With regard to Verification, the NPT places this responsibility exclusively with the IAEA, which has not failed to perform its functions. On the contrary, it has successfully addressed allegations of proliferation and has performed its task objectively and impartially. On enforcement, the only instance of NPT related enforcement was the case of Iraq during the 1990's, which reaffirmed the effectiveness and success of IAEA verification, and of subsequent enforcement measures, all of which confirmed the absence of nuclear weapons in Iraq. Thus the "strain" on verification and enforcement referred to in the report is not a result of a crisis of confidence and compliance but rather is a result of selective application.

The call for universality of the CWC and the BWC is one of urgency and necessity. Yet it is imperative to be coupled with an equal call for universality of the NPT. We believe that WMDs should be dealt with as an integrated part, and with due regard to the need for a balance in obligations and commitments, if our aim is to achieve security for all regionally and internationally.

To achieve this balance in the NPT, we all agree on the importance of addressing both disarmament and non-proliferation. Yet in addressing nuclear disarmament, we should further stress that the current state of affairs is not satisfactory, and that more political will is required as well as concrete actions from the nuclear weapon states. While on non-proliferation the UN should not spill over into the domain of contractual obligations, nor extend beyond a non-proliferation boundary to incorporate a proposed restriction on the right to peaceful use of nuclear energy, a right that is defined as "inalienable" by the NPT.

Turning to Missiles, we regard the export-control approach to be, by definition, discriminatory and exclusionary. While we can discuss such proposals emanating from a member state with a specific national or regional interest, we do not see a specific interest for the UN Secretariat to take sides on such a controversial issue

As for Small Arms, Light weapons and Landmines, we fully endorse the recommendation of the Secretary-General concerning agreement on an instrument to regulate Marking and Tracing. However, we stress that the nature of this instrument is to be decided by the States participating in the open-ended working group according the mandate issued by the General Assembly. As for the proposed instrument on Brokering, its feasibility is yet to be determined also by the General Assembly.

On Peacekeeping, the concept of "interlocking system of peacekeeping capacities" aiming at enabling the Organization to work effectively in partnership with regional and other organizations is not clear. My delegation is very clear on two issues:

First, is that developed countries must contribute troops to peacekeeping operations. Financing peacekeeping operations is an obligation by all members of the UN rich and poor alike. Therefore, financial contributions cannot be considered in lieu of personnel contributions.

Second, that all peacekeeping reserves or standby capacities must be under the command and control of the UN. We must be clear that "peacekeepers" once deployed must be under UN command and control. We cannot condone a practice whereby developed or developing countries provide forces but keep them under their national command under any justification whatsoever.

Finally, Mr. Facilitator, our collective efforts in post conflict situations should be harmonized and intensified with clearly defined objectives to help Member States emerging from conflicts to rebuild their local institutions and to undertake their national responsibilities.

For this purpose, we support the establishment of a Peace-building Commission and emphasize the central role of the General Assembly and ECOSOC in its establishment as well as in overseeing its functions and decisions. As for the proposed Peace-building Support Office, we underscore the need to further examine such a measure in light of the existing structures within the Secretariat in order to avoid redundancy and to ensure efficiency. The supplement paper by the Secretary-General dealing with some aspects pertaining to these proposals deserves careful consideration, and we will be able to comment on it at a later stage.

Thank You.