

**GOVERNING  
& MANAGING  
CHANGE at the  
UNITED NATIONS**



**Reform of the Security Council  
from 1945 to September 2013**

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## INTRODUCTION

*By William R. Pace\**

The publication of “Security Council Reform from 1945 to September 2013” is a comprehensive report on one of the most important and least reported upon negotiations in the UN General Assembly. In many ways, the UN Security Council is one of the most powerful institutions in the entire international legal order, especially in matters concerning peace and security. It is therefore surprising that the deliberations on Security Council reform – with so much power at stake – receive relatively little media and academic coverage. The reasons are manifold. It is because of the complexity of the issues and the unique parameters of the deliberations. It is because so much of the negotiations are held behind closed doors, making it very difficult for non-governmental experts or media to closely and accurately monitor the negotiations. It is because the key groupings involved keep their cards close to their chest, with publicly professed unity often glossing over substantial internal divisions. It is because in spite of 20 years of deliberations, the UN membership still has not come close enough to a broadly supported and comprehensive solution.

The five “permanent members” with veto power (China, France, Russia, UK and USA) can each block any decision on expansion of the Security Council as it requires formal amendment of the UN Charter. These five members especially are threatened by the fact that it is not the Security Council, but the much maligned UN General Assembly, that is in control of the negotiations. It is in the General Assembly where the privileges and agendas of the biggest and most powerful nations can be challenged by overwhelming majorities of small and middle power nations.

This publication of the Center for UN Reform Education follows the highly praised 2008 publication *Managing Change at the United Nations* which described UN negotiations on 5 key UN reform processes: Security Council Reform; Revitalization of the General Assembly; System-wide Coherence; Secretariat and Management Reform; and the establishment of the Human Rights Council. All these negotiations were key elements of the 2005 World Summit, the largest gathering of Heads of States and Governments ever. That summit was to be a “plus 5 year follow-up conference” of the 2000 Millennium Summit to review progress on the Millennium Development Goals (MDGs). The ‘agenda of the plus 5’ conference was expanded by then UN Secretary-General Kofi Annan, this after two permanent members (US and UK) disastrously circumvented the UN and the Security Council to invade and occupy Iraq. Annan and many Member States then insisted that the UN conduct a serious review and propose major reforms on how to address peace and security at the UN.

All of the 2005 summit issues were negotiated in mostly closed meetings – in so-called high-level panels, elite consultations, and intergovernmental negotiations. That is why the historic decisions are included in an ‘Outcome Document’ instead of a summit ‘Declaration.’ It is reported that the Group of 77 and Non-Aligned Movement insisted that without formal preparatory conferences – that is, without much greater openness and transparency – it would not be appropriate to call the formal result a ‘Declaration.’

Also, almost all of the follow-up negotiations on major decisions from the 2005 Outcome Document, including the five mentioned above, required extensive further negotiations, which were also conducted in mostly closed forums.

The Center’s 2008 publication was an excellent effort to monitor and shed more light on the subsequent negotiations, which resulted, *inter alia*, in the formal establishment of the Human Rights Council, the Peacebuilding Commission, the norm *Responsibility to Protect*, and the new entity *UN Women*.

The positive response to the Security Council Reform chapter of *Managing Change at the United Nations* – especially from diplomats, Presidents of the UN General Assembly, and UN staff – motivated the Center to produce a series of updates. It is gratifying to know that many government representatives, both in UN missions and in capitals, have relied on the excellent chapter by Jonas von Freiesleben and the many online updates provided by the Center since 2008.

In publishing Lydia Swart's comprehensive update, the Center is providing, I believe, another very important, unique and competent historical record of a major UN reform negotiation. The author has been fastidious in her effort to accurately reflect the positions, views and strategies of Member States, and the formal and informal government groupings at the center of this titanic endeavor. In a few hours of study, a newly arrived delegate, UN staffer, media representative, NGO, or academic could absorb literally years of intense negotiations. The appendices added by Lydia are an invaluable source of key documents, with some of the draft resolutions not publicly available anywhere else.

The Center will soon follow with an additional publication dedicated to the *Reform of the Working Methods of the UN Security Council*. There have been major developments in this key element of the Security Council reform agenda since 2008. The so-called Small 5 (S5) initiative (March 2006-May 2012) and the May 2013 launch of a follow-up effort by 22 governments on improving the Council's working methods may be among the most important reform initiatives in the UN's 68 year history. The new initiative is named ACT for Accountability, Coherence, and Transparency and is coordinated by the Mission of Switzerland to the United Nations.

The Center for UN Reform Education has produced reports on Security Council reform since our founding in 1978, at the height of the 'Cold War.' I believe this publication is one of the most informative and relevant in our history.

While the Center for Reform Education supports strengthening the UN system, the Center itself and its Board do *not* take positions on particular reform recommendations. These publications attempt to provide an independent and balanced description of intergovernmental negotiations. Any other views or perspectives expressed are solely those of the authors.

The publication can be read on its own or interactively with the Center's website [www.centerforunreform.org](http://www.centerforunreform.org), which features updates, links to official documents, and additional information on the reform processes.

*\* William R. Pace is the President of the Center for UN Reform Education*

# 1

## REFORM OF THE SECURITY COUNCIL

1945 - 2008

by *Jonas von Freiesleben*

### Introduction

The Security Council is without a doubt the most powerful organ of the United Nations. The Charter has given it primary responsibility for the maintenance of global peace and security and its decisions are binding for all Member States. Its limited geographical balance combined with five exclusive permanent seats that have veto powers, however, makes the Security Council less representative than desired by many Member States – especially emerging ‘middle’ powers – and they are increasingly calling for a restructuring of the Council.

While there is general agreement that the Security Council needs to be reformed, there is extensive disagreement on how, making the issue both extremely divisive and contentious. To many, the reform of the Security Council is a question of its continuing legitimacy. Expansion of the membership could help enhance its authority. A review of the working methods could make it more transparent, and agreeing to limit the use of the veto power in cases of *jus cogens* crimes – or at least explaining a cast veto – could broaden its appeal.<sup>1</sup> To others, reforming the Security Council is mainly about increasing their own power; a seat at the table could potentially translate into greatly increased influence over much of the United Nations system, including the Bretton Woods institutions and the International Court of Justice.

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The failure to achieve Security Council reform would seriously highlight the continued divisiveness in the General Assembly – where most of the debates are taking place – on important key issues, and could even negatively influence other ongoing reform debates.

This chapter explores the attempts that have been made from the UN's inception to the present to expand the Security Council and change its working methods, with special focus on developments since 2005. It describes the opposing positions of individual Member States and various interest groups, how the debates have fluctuated and further indicates which political roadblocks will have to be overcome for Security Council reform to succeed. Basically, after putting the debate in a historical perspective, four questions are explored: What has transpired in the Security Council reform process so far, why, which Member States have played key roles, and what can we expect in the near future?

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<sup>1</sup> *Jus cogens* (Latin for “compelling law”) is a principle in international law. In brief, *jus cogens* refers to crimes generally accepted by the international community of states as unlawful, and from which no derogation is ever permitted. Although, no clearcut definitions exist of what constitutes *jus cogens*, it is generally accepted that the term includes the prohibition of genocide, piracy, slavery, torture, and wars of territorial aggrandizement.

### Security Council Reform Efforts from 1945 to 2003

The Security Council held its first Session on 17 January 1946 at the Church House in London. Present were the five permanent members: China, France, the Soviet Union, the United Kingdom, and the United States as well as six non-permanent members chosen on a regional, two-year basis.<sup>2</sup>

Almost from the beginning of the deliberations, the initial expectations of Great Power unanimity seemed destined to be shattered by the simultaneously evolving Cold War. By the late 1940s the Security Council had turned into a political battleground between the East and West, serving mainly as a highly publicized forum where appeals for justice could be proclaimed, antagonists demonized, and the virtue of one's own cause declared.

Throughout the 1950s and 1960s the membership of the United Nations grew steadily in numbers, and the influx of new members, especially from Africa and Asia, drastically changed the Organization. Attempts to rearrange the composition of the Security Council had previously been rebuffed by the permanent members. However, by 1963 the calls were too loud to ignore, and in 1965, following ratification by the required number of Member States, resolution 1991 A (XVIII) expanded the number of non-permanent seats from six to ten.<sup>3</sup>

#### *The Cold War Ends*

With the end of the Cold War in the late 1980s, the East-West confrontations that had hampered the Security Council for so long slowly ceased. The Soviet Union and the United States both seemed eager to offload some costly proxy wars on the United Nations and the increasing relevance of the Council caused a spark of interest among the membership of the Organization. Suddenly the Security Council was

*... the increasing relevance of the Council caused a spark of interest among the membership of the Organization. Suddenly the Security Council was engaged in conflicts around the world.*

engaged in conflicts around the world, from the war between Iran and Iraq to fighting in Namibia, Angola and Cambodia. Involvement in the Gulf War of 1990-1991 and the total collapse of the Soviet Union continued to add to this momentum.

Before long, Germany and Japan both began advocating for permanent seats for themselves. The two countries had contributed heavily to the Gulf War efforts, and dramatically increased their contributions to the United Nations as a whole. Simultaneously, public opinion in the two countries began to favor an increased involvement in world affairs. By 1992, Japan and Germany had become, respectively, the second and third largest contributors to the regular budget of the UN.

Other industrialized nations also felt entitled to an increased role in setting international policy. Like Germany and Japan, Italy too had moved well beyond its 1945 status, and by 1992 ranked almost as high

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<sup>2</sup> As the permanent members had not been able to agree on one definitive set of rules of procedure of the Council, the members proceeded with just provisional rules, which have remained almost unchanged since 1945, except for a slight revision in 1982, when the document was updated to include Arabic as an official language. By not agreeing on set rules the P5 arguably gave themselves two advantages: 1) Flexibility in maintaining Council affairs as they see fit. 2) Keeping the rules adequately flowing.

<sup>3</sup> To add any new members to the Security Council, the Charter of the UN has to be amended. Under Article 108, a Charter revision is a two-stage process: first, two-thirds of the entire General Assembly must approve a resolution to amend the Charter; then, two-thirds of the Member States, including all of the permanent members of the Security Council, must ratify the amendment within an agreed-upon timeframe.



a contributor to both the UN regular budget and to its peacekeeping operations.<sup>4</sup> Initially, Italy clearly considered their country a serious contender for a possible permanent seat. However, with the development of the European Union and the prospects of an eventual common EU foreign policy, the Italians instead opted to intensify their resistance against a permanent seat for Germany and work for increased European integration. Italy feared that German aspirations would create a new power center in Europe, and thus negatively affect the prospects for an effective common EU foreign policy, eventually relegating them to a second tier membership within the European Union.

At first, the United States supported both a German and a Japanese seat. Britain and France were initially hesitant towards adding any new permanent members; but slowly but surely they seemed to realize that the entrance of Germany would be the only way to legitimize their own seats. For this reason, the two countries have progressively increased their support for a permanent seat for Germany in order to ease the pressure from both inside and outside the European Union to relinquish their own seats in favor of common EU seats.

It soon became apparent that talks on Security Council reform had the instant ability to make regional rivalries flare up. Nigeria, Brazil, South Africa, Egypt, Japan, Germany and India saw themselves as perfect candidates for permanent seats, while their regional rivals were staunchly opposed. Throughout all regions, it seemed that large or powerful countries favored the inclusion of new permanent members – mainly themselves – while their regional rivals preferred adding more non-permanent seats. As a result, the debate quickly created three main blocs.

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Italy, Spain, Argentina, Canada, Mexico, South Korea and Pakistan as well as some other countries called for the creation of more non-permanent seats with members to be elected on a regional basis, while fiercely resisting adding any new permanent seats (the countries eventually formed an interest group known as the Coffee-Club, which was later renamed Uniting for Consensus). Overall, the countries part of the Uniting for Consensus, lead perhaps most vocally by Italy and Pakistan, have called for the equality of all Member States, claiming that an addition of permanent seats would violate the principle of sovereign equality and create new centers of power, both within and outside the United Nations. An important argument made by the group has also been based on the so-called ‘Cascade Effect.’ Briefly, the argument describes the benefits of being permanent members, such as their right to sit on the various boards of the UN System and appoint nationals to senior Secretariat positions, while at the same time questioning whether this “asphyxiating grasp” on the Organization should be extended to new permanent members.<sup>5</sup>

Germany, Japan, India and Brazil (known later as the Group of Four or G4) and their supporters have consistently argued for the creation of new permanent seats. Germany and Japan based their claims on the grounds that they are major donors. India did so as the world’s second largest country in terms of population, with one of the world’s largest economies and the third largest contributor of troops to UN peace-keeping missions. Brazil based its case on being the largest country in terms of territory, population and economy in South America. The two latter countries have also increasingly based their claims on their status as leading countries of the ‘global south.’

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<sup>4</sup> Following the Second World War, Germany, Japan and Italy were all named “enemy states” in the UN Charter (Article 53, paragraph 1, 2).

<sup>5</sup> The ‘Cascade Effect’ was first presented by Argentina in a working paper from 1995 (A/49/965), and later reworked by Costa Rica in 2005 (A/59/856).

The African group, which represents the African Union (AU) at the UN, decided early on to vehemently call for two permanent seats for Africa with the right of veto. The Africans argue that, although the main part of the work of the Council is concentrated on Africa, it is the only continent not permanently represented,<sup>6</sup> and this historical injustice has eschewed the balance of the Council. Currently, the claim is based on the 'Ezulwini Consensus,' a common position adopted by the members of the AU in 2005.<sup>7</sup> The Consensus calls for two permanent seats; however, contrary to the previous position paper (the 1997 Harare Declaration) the seats would not be rotating within the group. Instead, they would be country-specific and chosen exclusively by the members of the AU. Although on the outside the African group has maintained unity, there has always been a furious internal discussion on who should be allotted permanent seats. At the moment, Egypt, South Africa and Nigeria are among the main contenders for permanent seats, but Ethiopia, Senegal, Algeria, Tanzania have also featured in the discussions.

*The Question of Security Council Reform is Tabled in the General Assembly*

In any case, in September 1992, India and 35 other Non-Aligned states tabled a draft resolution (later A/RES/47/62), calling for the inclusion in the provisional agenda of the 48th Session of the General Assembly, an item entitled Question of equitable representation on and increase in the membership of the Security Council. Although India and a number of other countries asked the General Assembly in letter (A/34/246) to include the issue on its agenda as early as 1979, and it was so inscribed on the agenda, the item was actually not considered between 1980 and 1991. However, on 11 December 1992, a new resolution (A/RES/47/62) that was co-sponsored by Japan was passed unanimously by the General Assembly. The resolution officially placed the item on the General Assembly's agenda, where it has since remained. The resolution called for the membership to submit reform proposals to the Secretariat by the summer of 1993 on ways to reform the Security Council. Although UN publication A/48/264 Add. 1-10, which is a collection of received Member State proposals, revealed that the majority of members supported an expansion, few agreed on the number or type of seats to be added or which countries should fill them.

As a result of the many proposals submitted, the General Assembly subsequently passed resolution A/RES/48/26, which set up an "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" (more simply known as the Working Group). It provided a formal forum for consultations on reform of both the expansion of the Council (cluster I) and working methods (cluster II).<sup>8</sup>

In the corridors of the United Nations, reform of the working methods of the Security Council began to engage a large group of countries that were more interested in changing the way the Council interacted, both within and with the General Assembly membership, than in the struggle for seats. This was especially true of many small and medium-sized states that did not (and still do not) necessarily want (or have a realistic chance of getting) a permanent seat. They primarily sought easier access to the permanent members of the Council, and they wanted to be able to address the Council in time of need and on specific issues of concern. Troop-contributing countries (TCC), for instance, wanted to better understand

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<sup>6</sup> It should be noted that Latin-America and the Caribbean don't feel represented by the US, technically on the same continent.

<sup>7</sup> See Appendix I.

<sup>8</sup> The Working Group is open to all Member States. The President of the General Assembly is the chairman of the group and presides over the meetings, which usually, but not always, takes place in the first semester of the year. At the end of a General Assembly Session the chairman presents a draft status report and a resolution to the membership. The report outlines the progress made during the Session and is a publicly available document. If both report and resolution are passed, the item will then be placed on the agenda of the following General Assembly Session, and the Working Group can continue its work.

how the Council actually reached its decisions. In general, their aspirations followed three major concerns: transparency, accountability and participation.<sup>9</sup>

Furthermore, reforming the working methods can be passed by a simple resolution and does not require a Charter amendment. This fact makes such reforms look less daunting to achieve in the eyes of many delegations. Consequently, discussions on working methods reform – inside as well as outside of the Working Group – were allowed to progress fairly independently of the enlargement debate. On occasion, however, aspirants for permanent seats have tended to treat the issue as competitive to their main goal.

From 1993 onwards, the Security Council Member States launched several initiatives to change the Council's working methods, although they failed to formalize their "Rules of Procedure." Initiatives included: publicizing the daily work program (S/26015); publishing tentative monthly work schedule (S/26176); making almost final ('in blue') draft resolutions available (S/1999/165); providing greater transparency on procedures of the sanctions committee (S/1995/234, S/1995/438, S/1996/54), on peacekeeping operations (S/PRST/1994/22); initiating meetings between Council and troop-contributing countries (S/PRST/1994/22); and launching "Arria-style meetings," in which a member of the Council could invite experts or representatives of civil society for a discussion without issuing a formal statement. Although these initiatives on working methods seemed to be appreciated by the general membership, the pressure for Security Council expansion continued unabated.<sup>10</sup>

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In 1997, the President of the General Assembly and chairman of the Working Group, Razali Ismael of Malaysia, put forward an ambitious three-stage reform plan (A/AC.247/1997/crp.1 and A/51/47, Annex II), which provided for the enlargement of the Security Council from 15 to 24 members, including the addition of five new permanent members. Although eventually unsuccessful, this innovative proposal deserves mentioning because its use of an 'intermediary structure' inspired later proposals, and its failure had consequences for the reform process that followed.

The direct outcome of the Razali-proposal was resolution A/RES/53/30 passed on 23 November 1998 by the General Assembly. The resolution was a joint victory for the Non-Aligned Movement (NAM) and Italy. It stipulated that any future resolutions on expanding the Security Council would need at least a two-thirds majority to pass. This requirement is applicable to even minor adjustments and has made decisions on Council expansion extremely difficult ever since.

The Razali-proposal served to entrench already hardened positions, putting a serious damper on reform attempts. Although the Working Group continued to devote a large number of sessions to the subject, with Member States monotonously arguing for or against new permanent seats, it became increasingly apparent that they would be unable to reach even a minimum common position on enlarging the Security Council.

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<sup>9</sup> For further information on the efforts to reform the working methods of the Security Council, please see Security Council Report, Security Council Transparency, Legitimacy and Effectiveness – Special Research Paper, 18 October 2007 (No. 3).

<sup>10</sup> UN publication S/2006/78 outlines efforts undertaken by the Council from 1993 to 2005 to reform its working methods.

## Security Council Reform Efforts from 2003 to 2006

*“I respectfully suggest to you, Excellencies, that in the eyes of your peoples the difficulty of reaching agreement does not excuse your failure to do so. If you want the Council’s decisions to command greater respect, particularly in the developing world, you need to address the issue of its composition with greater urgency.”*

- Kofi Annan

In 2003, Secretary-General Kofi Annan flatly told the General Assembly (A/58/PV.7): “I respectfully suggest to you, Excellencies, that in the eyes of your peoples the difficulty of reaching agreement does not excuse your failure to do so. If you want the Council’s decisions to command greater respect, particularly in the developing world, you need to address the issue of its composition with greater urgency.”

With the appointment of the Secretary-General’s *High-level Panel on Threats, Challenges and Change* later that year, Annan sent another strong signal for an increased push for reform. The Panel, consisting of a number of international dignitaries, was asked to analyze and assess future threats to peace and security and to evaluate existing approaches, instruments and mechanisms, including Security

Council reform, and was meant as a stimulus for further discussion in time for the 2005 World Summit.<sup>11</sup>

In December 2004, the Panel released their report *A More Secure World: Our Shared Responsibility* (A/59/565). It included 101 recommendations for change and a ‘grand bargain’ for reform of the Security Council. It proposed two models A and B for enlargement, both of which suggested expanding the Council to 24 members. Model A proposed adding six new permanent seats, but with no veto power, and three new two-year term elected seats. Model B created a new category of eight seats, renewable every four years, and one new two-year non-renewable seat. Apparently the Panel would have preferred not to include the addition of permanent members, but according to one ambassador, the Secretary-General “strong-armed” the panel into including that option out of fear of alienating Germany and Japan in the upcoming summit.

On 16 February 2005, the Coffee Club (Argentina, Colombia, Mexico, Kenya, Algeria, Italy, Spain, Pakistan and South Korea) adopted a document entitled *Uniting for Consensus*, which subsequently became the name of the group. The document was originally drafted by Italy, and the new name was meant to convey that the group favored a broad negotiated solution.<sup>12</sup> The G4 (Germany, India, Brazil and Japan), on the other hand, argued that significant changes could take place through a vote and that seeking consensus or a broad negotiated solution were just excuses for inaction. However, the Uniting for Consensus group maintained a firm stand on this issue, and they were later joined by Qatar, Turkey, Ghana, Costa Rica, Canada, Morocco, San Marino, United Arab Emirates, Bangladesh, and the representative of the Arab League. The document issued in February 2005 represented a common position on expansion of the Security Council that conformed with Model B as proposed by the High-level Panel.

In March 2005, the Secretary-General issued *In larger freedom: towards development, security and human rights for all* (A/59/2005), his follow-up report to the High-level Panel’s report. It endorsed the Panel’s report and

<sup>11</sup> Members included Anand Panyarachun (Thailand - chairman), Robert Badinter (France), João Clemente Baena Soares (Brazil), Gro Harlem Brundtland (Norway), Mary Chinery-Hesse (Ghana), Gareth Evans (Australia), David Hannay (United Kingdom), Enrique Iglesias (Uruguay), Amre Moussa (Egypt), Satish Nambiar (India), Sadako Ogata (Japan), Yevgeny Primakov (Russia), Qian Qichen (China), Nafis Sadik (Pakistan), Salim Ahmed Salim (United Republic of Tanzania), Brent Scowcroft (United States).

<sup>12</sup> The document, *Uniting for Consensus*, is available on the Mission of Mexico to the United Nations’ website at <http://www.un.int/mexico/2005/UNReform-pp.htm>

recommended the most comprehensive reform proposals and policy agenda of his term, addressing such issues as financing for development, terrorism, replacing the Human Rights Commission and reform of the Security Council. Annan urged the membership to adopt all of his proposals as a package and reach consensus in time for the 2005 World Summit.

In his report, the Secretary General called on Member States to reach a consensus on expanding the Security Council to 24 members, and recycled the two proposals made by the High-level Panel. Without specifying which proposal he favored, he asked the Member States to make a decision quickly, stating that, "...this important issue has been discussed for too long. I believe member states should agree to take a decision on it – preferably by consensus, but in any case before the Summit – making use of one or other of the options presented in the report of the High-level Panel." (A/59/PV.83). Annan's report was greeted by a host of objections from the membership, which immediately began to regroup and position itself for a new power struggle.

#### *Membership Discussions Prior to the World Summit*

The scene was now set for serious consultations among Member States, with each interest group searching for support. The G4 (Japan, Germany, India and Brazil) apparently felt confident. In a private meeting with the Secretary-General, on 8 June, they told him that they were convinced, "that in a vote between the two options [non-permanent and permanent] they would get 150 votes."<sup>13</sup>

The group subsequently put forward a draft resolution (A/59/L.64), which called for an expansion of the Council by adding six permanent seats, the four sponsors and two African states, and four non-permanent seats. The proposal initially granted new permanent members with the right of veto (proposal of 13 May 2005), but in an attempt to secure the support of the current permanent members, the G4 accepted to forego this for at least 15 years.

Pakistan, Italy, Canada, Argentina, Colombia, Costa Rica, Malta, Mexico, South Korea, San Marino, Spain and Turkey, as members of the Uniting for Consensus group (UfC), put forward a rival draft proposal in which they suggested a 25-member council with 10 additional two-year rotating seats subject to renewal (A/59/L.68).<sup>14</sup>

The African group also came forward with a proposal of their own (A/59/L.67). It built on two sets of position papers – the *Ezulwini Consensus* and the *Sirte Declaration* – adopted by African leaders in March and July 2005 respectively, and the draft called for the two permanent seats with the right of veto allotted to Africa. Although the African group decided to oppose, in principle, the veto, they strongly felt that it should be extended to all permanent members "so long as it exists," as one ambassador noted.

The G4 now had to sway the African group away from their insistence on the right of veto in order to garner support from the permanent members and the membership in general. "It's up to the African countries, the G4 countries, to talk to each other and see how we might satisfy all these states, and I believe this is a process which is going to continue over the next month and, of course, we're hoping an

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<sup>13</sup> James Traub, *The Best Intentions: Kofi Annan and the UN in the Era of American World Power*, Farrar, Straus and Giroux, New York 2006, p. 361.

<sup>14</sup> The draft built to an extent on two previous suggestions; 'the blue model' and 'the green model.' The models are available on the Global Policy Forum's website at <http://www.globalpolicy.org/security/reform/cluster1/2005/04greenmodel.pdf> and <http://www.globalpolicy.org/security/reform/cluster1/2005/04bluemodel.pdf>

*Rumors of the G4 talking to the Africans, and of a possible looming vote, were rife at the UN at the time and not well received by the group's regional rivals.*

agreement can be achieved by the end of the year," French Prime Minister Dominique de Villepin said to the press.<sup>15</sup>

Rumors of the G4 talking to the Africans, and of a possible looming vote, were rife at the UN at the time and not well received by the group's regional rivals. Among the permanent members, China had announced in April that the issue of expansion was not ripe for consideration, and that in any case, it should be a consensus decision, not one based on a

vote. Russia had taken a similar position,<sup>16</sup> while the US chose to support only the addition of Japan as a permanent member, and voiced opposition to a Council larger than 20 members. Unlike the Clinton administration, President George W. Bush was quite vocal in his opposition to giving a permanent seat to Germany, a position often attributed to Germany's opposition to the US-led war against Iraq in 2003.

By 12 July 2005, the United States had already urged UN members to reject the G4's proposal, saying "improvements in the world body's management and oversight were greater priorities that should be adopted first." Apparently realizing the imminent risk of a vote, US Ambassador John Bolton went even further as he announced in the beginning of August that he had met with the Chinese to coordinate positions.<sup>17</sup> Chinese Ambassador Wang Guangya said they agreed to lobby "our different friends in different parts of the world to defeat the draft resolution introduced by Brazil, Germany, India and Japan."<sup>18</sup>

However, the G4 continued to work on the African position. Some UN diplomats noted that the African group was itself ready to split over its own position due to internal arguments over tactics.<sup>19</sup> Apparently, several African representatives had reached some sort of agreement with the G4 late in July, and this prompted the African Union to call for an emergency summit to discuss their common position. It has been suggested that South Africa and Nigeria were especially frustrated by the developments taking place within the group, and sought permission to negotiate the right of veto. Earlier, Nigerian President Olusegun Obasanjo had warned African leaders of the consequences if they did not compromise: "The main issue before us," he said, "is to decide either that Africa will join the rest of the world, or the majority of the rest of the world, in bringing to a conclusion a demand for UN reform, or if Africa will stand on a nonnegotiable position which will certainly frustrate the reform efforts."<sup>20</sup>

Reportedly, the 53 states of the African Union subsequently met and voted 90 percent in favor of sticking to the group's original decision of calling for permanent seats with the right of veto. Egypt and several other states, fearing to be left out of the race for a permanent seat, had lobbied the Union membership to oppose any compromise solutions as a way to frustrate South Africa and Nigeria's ambitions. This meant that no compromise solution was found between the African group and the G4, and German diplomats admitted that efforts to find a common position would likely drag on beyond their self-imposed September deadline. They warned that those in opposition to new permanent seats had been using "all the spoiling tactics available to them."<sup>21</sup>

<sup>15</sup> The statement is available on the French UN Mission's website at [http://www.ambafrance-uk.org/60th-session-of-the-United-Nations,6340.html?var\\_recherche=wade](http://www.ambafrance-uk.org/60th-session-of-the-United-Nations,6340.html?var_recherche=wade)

<sup>16</sup> Traub, 2006, p.361

<sup>17</sup> John Bolton arrived in New York on 1 August 2005 as a "recess appointed" Permanent US Representative to the UN. He was appointed by President G. W. Bush, but was never confirmed by the US Senate. For Bolton's own views on his term at the UN, please see his autobiography, *Surrender is not an Option – Defending America at the United Nations and Abroad*, Threshold Editions, New York, 2007.

<sup>18</sup> Bloomberg News, *Bolton, China Agree to Stop Bid by U.S. Allies for UN Power*, 3 August 2005.

<sup>19</sup> Deutsche Welle, *Last Chance Talks for G4 UN Hopefuls*, 25 July 2005.

<sup>20</sup> AP News, *African Leaders Reject Compromise on UN Security Council*, 5 August 2005.

<sup>21</sup> Deutsche Welle, *Last Chance Talks for G4 UN Hopefuls*, 25 July 2005.

As a result, on 13 September 2005, the proposals of Uniting for Consensus, the G4 and the African group lapsed without any action having been taken. It had been a close call, but in the end the African insistence on the right of veto and the US and Chinese opposition to Germany and Japan, respectively, had sufficiently obstructed the process to block any concrete results.

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The next day the 2005 World Summit opened in New York. Billed as the largest ever gathering of world leaders, the Summit lost what might have been a once-in-a-lifetime opportunity to give reform of the Security Council the push it needed. Instead, as a result of the internal bickering of states little was accomplished on Security Council reform. In the final text of the World Summit Outcome Document (A/RES/60/1), the formulations of paragraphs 152, 153 and 154 on Council reform were brief and noncommittal. Asked about the viability of any Council reform in the near future, Pakistan's UN Ambassador Munir Akram replied: "It's on life support."<sup>22</sup> During the fall of 2005, it became clear that the patient would not wake up any time soon.

Some commentators have noted that the moment to push for a comprehensive reform package seemed fairly ill-chosen by Kofi Annan. Large reform initiatives on sensitive issues such as Security Council enlargement, they argued, have traditionally been left to Member States, and not the Secretary-General.

In explaining the timing of the Secretary-General's reform push, several analysts believe that Annan was heavily influenced by the negative impact the US-led war in Iraq had had on the image of the UN.<sup>23</sup> The Secretary-General, rather than the membership, had tried to be a catalyst for change, but the effort only succeeded in generating heated dialogue. Some have noted that Annan also seemed to have misunderstood just how deep the divisions between Member States ran on this issue. At the UN "the political ripeness of the issue is not a factor of the length of time it has been under consideration," as UN expert, Dr. Edward Luck has remarked.<sup>24</sup>

### **Security Council Reform from 2006 to 2008**

The events surrounding the World Summit resulted in widespread reform fatigue among many Member States, especially in regard to Security Council expansion. Japan circulated an independent proposal during the winter, but failed to garner any form of support. Instead, attention turned to reform of the working methods of the Council. A group of five smaller countries, Switzerland, Singapore, Jordan, Costa Rica and Liechtenstein, had earlier formed a group known colloquially as the Small Five (S5), and they decided to circulate a non-paper and a few drafts on the issue following the Summit.

In March 2006, they submitted a draft resolution (A/60/L.49) under the agenda item *Follow up to the Millennium Summit* aimed at achieving a more accountable and transparent Security Council. The draft asked the Council to consult with all Member States on resolutions, and requested that the five permanent members explain every veto to the General Assembly.

This went much further than previous reform proposals from outside the Security Council, which had usually centered on improving communications between the Council and the General Assembly membership. In the ongoing power struggle between the Council and the General Assembly, this was seen

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<sup>22</sup> Reuters, *Like Fixing the Weather - Council Reform Eludes UN*, 19 September 2005.

<sup>23</sup> 23 Thomas Weiss and Sam Daws (ed), *The Oxford Handbook on the United Nations*, Oxford University Press, Oxford 2007, p. 662

<sup>24</sup> *Ibid.*

by some of the permanent members as a direct infringement of their rights and as an attempt to subdue the Council. Although the General Assembly resolution was non-binding, the sponsors hoped that its adoption would create moral pressure on the Security Council, especially the permanent members to agree to adopt some of the recommendations.

*..all five permanent members responded that any initiative to reform the working methods should come from within the Security Council.*

But reactions to the proposal by the veto-wielding Council members were dismissive. At a subsequent debate (A/60/PV.95-96) in the General Assembly all five permanent members responded that any initiative to reform the working methods should come from within the Security Council. British Ambassador Emyr Jones Parry had earlier said of the S5 proposal: "I don't like it. It presumes the General Assembly should tell the Security Council what to do."<sup>25</sup> These sentiments were echoed by US, Chinese, French and Russian diplomats.

Interestingly, several Member States competing for a permanent seat also spoke out against the proposal at the General Assembly debate, underlining divisions within the membership between countries focusing on the enlargement debate and those favoring an approach focusing on reforming the working methods of the Council. India and Brazil, for instance, both expressed concerns over shifting focus away from an expansion. In the face of this opposition, the draft proposal was not put to a vote in the General Assembly.

Nonetheless, the proposal led to some greater movement on the issue within the Council. The same year as the S5 draft was launched, the Council decided to revive the once dormant 'Informal Working Group on Documentation and Other Procedural Questions.' Japan was elected to chair the group for a period of 12 months, and the result was a presidential note (S/2006/507), containing a list of measures aimed at enhancing the efficiency and transparency of the Council, as well as improving its interaction with non-members. The note grew out of an earlier note (S/2006/78) by the President of the Security Council relating to documentation and procedure from 7 February 2006. In 2007 the Council agreed to continue the group, focusing on the practical aspects of the 2006 presidential note, although it is yet to achieve the same level of momentum as in 2006.

In September 2006, Pakistan's President Pervez Musharraf and Italian Prime Minister Romano Prodi hosted a dinner at a New York hotel for some 60 states with opposing views on membership reform. It was a purely noncommittal affair, and was meant to review the potential for a negotiated solution, preferably under the guidance of the President of the General Assembly and Chairman of the Working Group, Sheikha Haya Rashed Al-Khalifa of Bahrain. To the surprise of many, even Germany, Japan and Brazil attended the dinner.

A couple of months later, in December 2006, Member States once more decided to take up the issue of reform in the General Assembly (A/61/PV.70-75). In a meeting that lasted several days, it clearly signaled that the membership was finally ready to negotiate on Security Council and other reforms again.

In January 2007, Nigerian Ambassador Aminu Bashir Wali made an effort, as Chair of the African group, to convince the African Union to change its position and allow for permanent membership without the right of veto. The Ambassador said that such a shift of position would enable Africa to "put our foot in the door first" and that "those who want to see democracy in the UN System are very much unhappy with

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<sup>25</sup> Los Angeles Times, *5 Small Nations Propose Reforms for UN - The Group Aims to Make the Giants of the Organization more Accountable and Open*, 10 November 2005.



Africa's position."<sup>26</sup> However, the initiative failed to alter the African position, which continued to firmly favor two permanent seats with all rights.

*The Working Group Meets Again*

Later that month, the President of the General Assembly and Chairman of the Working Group, Sheikha Haya Rashed Al-Khalifa, circulated a letter to the membership announcing the resumption of discussions on Security Council reform in the Working Group. In her letter, Sheikha Haya established five tracks to help Member States begin consultations: the size of an enlarged Security Council, the categories of membership, the question of regional representation, the question of the veto, the working methods of the Security Council and the relationship between the Security Council and the General Assembly. Subsequently, on 8 February 2007, Sheikha Haya appointed five facilitators in their personal capacities to assist her during the consultation process on the five preceding issues: Ambassador Heraldo Muñoz of Chile, Ambassador Mirjana Mladineo of Croatia, Ambassador Andreas D. Mavroyiannis of Cyprus, Ambassador Frank Majoor of the Netherlands and Ambassador Ali Hachani of Tunisia (A/61/47 SUP).

On the same day, Panama presented an innovative proposal that attracted some attention because of its new approach to re-election leading in some cases to a permanent seat. Its proposal provided for a transition from the Council's current size and membership structure to a future enlarged Council. Initially, the size of the Council would be increased by adding six non-permanent seats. The new members would be given five-year terms, with the right to immediate re-election. Those re-elected four consecutive times would automatically receive permanent seats, but without the right of veto. In the end, no action was taken on this unique "transitional proposal."<sup>27</sup>

After conducting lengthy consultations with Member States, as well as with different interests groups, the five facilitators submitted their combined report on *Notions on the Way Forward* (A/61/47, SUP- Annex I, see Appendix III) on 19 April 2007. In it they outlined four variations of an intermediary arrangement meant to move the process forward:

1. Extended seats that could be allocated for the full duration of the intermediary arrangement, including the possibility of recall.
2. Extended seats, which would be for a longer period than the regular two-year term, but with the possibility of re-election. The length of the terms as well as the re-election modalities should be decided in negotiations.
3. Extended seats, which would be for a longer period than the regular two-year term, but without the possibility of re-election. The length of the term should be decided in the negotiations.
4. Non-permanent two-year seats with the possibility of immediate re-election.

In the assessment of the facilitators, the rationale for engaging in an intermediary model was that at the time none of the major positions that had been advanced so far had seen sufficient acceptance to be implemented. Recognizing that neither the African position, nor the G4 or the UfC positions had enough support to pass a General Assembly vote, the facilitator's report was an attempt to break the impasse and force a new development. The report also pointed out that no matter what arrangement Member States would ultimately prefer, there were two key factors that had to be taken into

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<sup>26</sup> www.ReformtheUN.org, Five New Tracks for Security Council Reform; Panama Proposes Transitional Model, 14 February 2007.

<sup>27</sup> The proposal is available at <http://www.centerforunreform.org/node/246#footnote1>.

consideration: the addition of a mandatory review clause and the inclusion of a provision that would prevent medium to large sized states from ‘flip-flopping’ from one non-permanent category to the other, in order to improve the chances for smaller states to be elected to the Council.

The mandatory review mechanism is intended to assess the success of the interim model, while also dealing with questions that could not be solved immediately. These included whether new permanent members should gain the veto power, or whether the veto power should be eliminated altogether or its use simply limited. The length of time before the review would be undertaken was to be determined in negotiations. By making temporary arrangements for membership enlargement, “none of the stakeholders has to give up its original position,” the report stated.

Member States’ interpretations of and reactions to the report, however, greatly varied. Some states were reportedly overwhelmed by the many new views and positions captured in the report, which they felt had not been adequately discussed in previous consultations on the topic. Some Member States expressed a willingness to consider a transitional model, although Germany, India and Brazil cautioned that an approach that would only increase the number of two-year seats could not be seen as more productive as it failed to include the creation of new permanent seats.

Consequently, at the next meeting of the Working Group, the G4 lamented that the report from the facilitators did not indicate that a substantial consensus existed within the membership towards approving an enlargement in both categories of membership: permanent and non-permanent. Germany was particularly vocal in calling for a vote that would help determine where the majority stood, a so-called straw vote. The German ambassador stated that waiting for a consensus would kill Security Council reform and that in a negotiating process those holding the minority position would have to show more flexibility than those in the majority. India noted that there had never been more than one-thirds support for transitional arrangements proposed in the past, some of which also figured in the report, while support for expansion in both categories had at times reached almost two-thirds of the membership.

This had not been reflected, however, in the report of the facilitators. India suggested that a fruitful negotiating text would have taken the majority view and integrated it with the minority positions by adding periodical reviews for new permanent members. The G4 and the United States, supported by a number of other Member States, insisted that new facilitators be appointed by the Chairman, assigned with presenting a few models integrating most approaches, for the next stage of negotiations. The US reiterated its support for the inclusion of Japan, and perhaps other powers that could take responsibility for keeping international peace, in the permanent member category, but they failed to mention Germany.

The Uniting for Consensus faction, on the other hand, insisted that there had never been a consensus on increasing the membership in both the permanent and non-permanent categories; otherwise Member States would not still be discussing the issue. Pakistan emphasized that there had never been just two options – permanent and non-permanent – on the table for discussion, but several including these: permanent with or without veto, semi-permanent, non-permanent etc. The faction was also very firm in denying any need for the appointment of new facilitators. According to them that would equate to showing mistrust in the five facilitators and their work to date.

The African group reiterated their position asking for two permanent seats with veto power and five non-permanent seats (as per the Ezulwini Consensus). In their opinion, the veto should be granted to all new permanent members and then removed gradually in a second phase. They asked for further proposals to

be elaborated, in particular in regard to the transitional arrangements proposed in the report: what the final objective of an intermediary/transitional arrangement would be and a timeline of, or at least suggestions on, how to reach the final goal. At any rate, the African group stated that a transitional solution envisaging permanent seats and veto power at a later stage, after a review for example, would not be acceptable as they would want to be made part of the power balance in the Security Council as soon as possible.

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In May 2007, Sheikha Haya chose to give in to the demands of the G4, and appointed ambassadors Heraldo Muñoz of Chile and Christian Wenaweser of Liechtenstein to conduct consultations with Member States on how to move the process forward on the basis of the report of the five facilitators.

During the summer of 2007, the two new facilitators released their report (A/61/47, SUP-Annex IV). It offered some examples of the type of transitional arrangement that Member States could consider. With regards to the mandatory review clause, the transitional approach assumed as an integral component a mandatory review to take place at a later date to assess and review the viability of any agreed arrangement, and was especially central to those aspects on which Member States would not be able to agree upon in negotiations. In the facilitators' view, the review should also entail a comprehensive assessment of the Security Council's composition and working methods. The report suggested that the issue of veto could be discussed within the framework of the reform of the working methods of the Council, for example in regard to limitations of its use.

As to the reform of the working methods, the report reminded Member States that this would be a reform that could be approached and discussed independently since it would not require a Charter amendment. It also pointed out that the issue of working methods is linked to the review, the veto and the size of the Council, in particular with the aim of guaranteeing increased access for non-members to Security Council decision-making. Finally, the document offered suggestions on how to proceed with the reform. According to the report, delegations had already showed an interest in basing the next step on negotiations, rather than consultations. The two facilitators suggested that negotiations should utilize a text containing all the concrete elements of the negotiable issues highlighted in their report.

In the debate following the report of the two facilitators, the G4 again urged the Chairman to launch a direct negotiation process as the next step, with the aim of reaching a conclusion by the upcoming 62nd General Assembly. For Germany in particular, an intermediary process, as recommended by the facilitators, would be an attractive short-term solution only if such a process would maintain options for future comprehensive reform steps, with a mandatory review as an integral part. Finally, Germany urged the Chairman to set up a group of Member States who could organize the negotiation process and perhaps even draft a concrete proposal that could act as a point of departure for further deliberations. Japan continued to lament the fact that the reports from the different facilitators seemed to omit clear indications of substantial consensus within the membership towards approving an enlargement in both categories of Security Council membership: permanent and non-permanent. India noted that they would show flexibility when a more detailed proposal is on the table. In their view the Membership should move to a text, and perhaps even consider an actual straw poll to identify the biggest hurdles ahead. In the Brazilian statement, the permanent representative remarked that reform must address increased representation in both permanent and non-permanent categories, while taking into special account the representation of the developing world. Furthermore, to move the process forward it would be necessary to establish a format for negotiation, set up a timetable as well as a deadline for the conclusion of the negotiation process.

The African group restated their demand for two permanent seats with all the privileges, including the right of veto and five non-permanent seats (as per the Ezulwini Consensus). In their view, the reports of the facilitators were not fair, as both seemed to suggest that only Africa had to make concessions, while other groups could maintain their positions. Pakistan, as part of the UfC, once again stated their principled opposition to "...any proposals that directly, or in disguise, seek to create new permanent members." Pakistan pronounced itself ready to explore an agreement based on an intermediate approach as presented by the different groups of facilitators; however, the Pakistani delegate underscored the importance of a general agreement on a framework of negotiations to carry the process forward, with the Report of the Five Facilitators together with the complementary report of the two facilitators as a basis. Argentina commented that in their view there should not be a new category of membership in the Security Council.

China noted its support of the proposals of the African group, while underscoring the importance of keeping all options open and not being limited to only the proposals contained in the Report of the Five Facilitators, while the United States highlighted their support for the addition of new permanent seats, but also underscored that those Member States in question should have a demonstrated responsible foreign policy.

*The Working Group Debates the Report of the Chairman*

In early July 2007, and with these debates in mind, the Chairman of the Working Group released a draft version of her progress report, including a concise resolution. In brief, the report summarized the efforts

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made by the Working Group during the year and made some modest recommendations on how to proceed during the next General Assembly Session. By adopting the report and resolution, the General Assembly would have recognized the efforts of the Working Group and formally placed the issue of Security Council reform on the agenda of the 62nd Session of the General Assembly.

However, early on it became apparent that certain Member States were nowhere near satisfied with the work of the Chairman. Especially Member States in support of adding permanent members to the Council preferred stronger language calling for direct negotiations between countries to be undertaken during the next General Assembly Session. On the other hand, Member States favoring the UfC approach urged Sheikha Haya to include a paragraph in her report especially noting the facilitators' reports and suggestions as the basis for any further discussions. In essence, the draft report engendered a series of heated negotiations on the way forward, vividly demonstrating the continued divisions within the membership. Nonetheless, at this time Member States were still only discussing how the Chairman's report could be changed, not actually discarded. That did not happen until the last phase of negotiations, around 11 September, when a group of 25 Member States submitted an alternative draft resolution (A/61/L.69) in an unexpected effort to push for much stronger language. The draft was apparently produced by India, and had as its more prominent co-sponsors Brazil, South Africa and Nigeria.

Now, in an effort to advance a united call for permanent membership, the sponsors of the resolution had seemingly come together on a draft resolution that proposed several radical steps to be taken during the following General Assembly Session. The proposed elements for negotiations were: expansion in both permanent and non-permanent categories; greater representation of the developing countries; representation of the developed countries and those with transition economies reflective of contemporary

world realities; comprehensive improvement in the working methods of the Security Council, including ensuring greater access of island and small states; and provisions for a review.

The inclusion of Nigeria as a co-sponsor of the new draft report led to speculations that they had been promised a second permanent African seat in a deal with a group consisting of India, Brazil and South Africa. The group is usually referred to as IBSA, and has been meeting regularly since the 1990s on development issues; however, this was the first time its name was mentioned in connection with the reform of the Security Council.

The move by the IBSA-countries was by any standard highly extraordinary as it suddenly presented the Working Group with the possibility of employing a vote, rather than their usual consensus method of working. The late submission of the draft seemed to arrive unexpectedly by a large part of the membership and sent considerable shock waves through the Working Group. With only a couple of days left of the 61st Session, the group needed to decide on a draft in order to continue its work during the next Session. If no agreement could be reached in time the mandate of the Working Group would be terminated. As such, the 'India-proposal' or simply 'L69' resulted in considerable commotion among Member States. Pakistan and India traded insults, setting off a series of highly undiplomatic exchanges, with accusations of waging "guerilla-warfare" against the reform process in general and the Chairman in particular, while other states quickly chimed in on either side of the permanent or non-permanent-only debate. Contributing further to the heated negotiations was widespread confusion about how many votes the proposal would need to pass. Pakistan claimed that the proposal would need a two-thirds majority, while especially South Africa and India claimed it required only a simple majority of countries present as it was merely a technical resolution.

With only a few hours left of the 61st General Assembly Session, the Chairman finally called the discussions to an end and presented the membership with an amended draft report (A/AC.247/2007/L.1/REV.1) that specifically added this new wording: "Decides that the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council should be considered during the 62nd Session of the General Assembly, so that further concrete results may be achieved, including through intergovernmental negotiations, building on the progress achieved so far, particularly in the 61st Session, as well as the positions and proposals made by all Member States." The text was a compromise between the initial positions that favored direct negotiation as the next step and those that favored negotiations based on the facilitators' reports. The term 'intergovernmental negotiations' seemed to be a sufficiently watered down and undefined term to be acceptable to all sides. It could be interpreted as meaning both direct negotiations on a text, or direct negotiations based on the facilitators' reports, the latter favoring an intermediary category which would add only non-permanent seats for the time being.

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Thus, the sponsors of L69 were left with only two choices; either accept the new draft report or put their own resolution to a vote in the General Assembly. Faced with an uncertain fate, the sponsors decided to pull their proposal, although "without enthusiasm" as the South African Ambassador remarked, and reluctantly vote for the Chairman's report. The report, with the above changes, was subsequently passed by consensus by the General Assembly effectively extending the mandate of the Working Group for another year (A/61/47).

In hindsight, it seems highly doubtful that the L69-proposal could have survived a vote in the General Assembly. A source close to the development claimed that several smaller Member States, who initially were in favor of the proposal, had planned to abstain from an eventual vote. Indeed a hypothetical claim not easily substantiated, but that the proposal would have struggled to reach even a simple majority is probably fairly certain.

Overall, the emergence of a new player – IBSA – in the reform process initially caused some fears of a new North/South divide. The proposal seemed to invite as many questions as answers. Its total impact, as well as the sustainability of this new grouping, remains to be seen.

Concerning the motives behind L69, some have speculated that the proposal was an attempt to simply ‘stir the pot’ of the Working Group. According to one Western diplomat, the delegations of India, Brazil and South Africa had throughout the year voiced their frustrations to Chairman Sheikha Haya over the slow process, but felt that their concerns had not been adequately addressed. The final straw was apparently the omission of new permanent members in the facilitators’ reports.’ In this context, the L69 could be seen as a sign of the states simply venting their frustration.

This frustration, however, could have led to different outcomes. One source remarked that the states had hoped that the proposal would trigger other states to come forward with their own draft proposals, allowing the membership to have a ‘showdown’ over their differing views; or the straw poll that the Indian delegation had previously called for. Instead the L69 was left facing Sheikha Haya’s draft, and many states

*“Things will not be the same hereafter,” as Indian Ambassador Nirupam Sen noted to the General Assembly as they adjourned.*

did not want to vote against the Chairman, as this could be seen as a serious vote of mistrust. Another possible outcome could have been the termination of the mandate of the Working Group. For some, especially the members of the G4, this would have been a desirable outcome as it could have effectively opened the road to more serious and direct negotiations, in their view, without having to deal with the often cumbersome format of the Working Group.

Nevertheless, in the end, most factions of the Working Group, including IBSA, hailed the result as their victory. And there was indeed something for everyone in the report. Member States calling for an expansion in the permanent category felt that the inclusion of the words “intergovernmental negotiations” in the report signaled a move beyond the Working Group towards actual negotiations on a concrete text. States opposing new permanent members felt that the above term was sufficiently watered down to mean anything, while the inclusion of the words “...building on the progress achieved so far, particularly in the 61st Session,” meant that any new negotiations would only include the options of non-permanent members in an intermediary approach. Lastly, IBSA hailed the words “intergovernmental negotiations” as a result of their persistent efforts, as well as their draft proposal. “Things will not be the same hereafter,” as Indian Ambassador Nirupam Sen noted to the General Assembly as they adjourned (A/61/PV.109).

Later in the fall of 2007, several factions seemed to be meeting again on the issue. While the G4 met informally on a couple of occasions in New York, the IBSA-countries also convened a high-level meeting in South Africa between the leaders of the three states. A joint statement from 17 October 2007 read: “They [India, Brazil, and South Africa] expressed their full support for a genuine reform and expansion of the Security Council, in permanent and non-permanent categories of membership, with greater representation for developing countries in both. They reiterated that intergovernmental negotiations on the issue of Security Council reform must commence forthwith. They agreed to further strengthen cooperation amongst their countries and with other Member States interested in a genuine reform of the

Security Council.”<sup>28</sup> The initiative sent a signal of continued cooperation in the reform process between the three developing nations.

*The 61st General Assembly Session Ends and the 62nd Begins*

With the 62nd General Assembly in Session and a fresh batch of diplomats to work the New York trenches, ready for the next round of reform battles, the newly-elected President of the General Assembly, Sgrjan Kerim, decided to convene a General Assembly debate (A/62/PV.47-51) in mid-November 2007 on the way forward.

In his opening remarks, the President said that he had been holding informal consultations with all interested parties since the beginning of the current 62nd Assembly Session, and noted that in his view countries “have articulated their preparedness, taking into account the progress achieved, to use the current momentum to move forward.” Furthermore, he said the “objective should be to develop a framework, in order to begin intergovernmental negotiations, by identifying and reaching agreement on the various negotiable elements,” while urging Member States to be guided by the Facilitators’ reports as well as their own positions.

Moreover he outlined seven basic principles that in his view should guide the process: “1. Security Council reform is an integral part of strengthening the UN; 2. Prudent and principle oriented guidance by the President of the General Assembly is required, though it must be based on a joint venture with Member States in good faith and mutual respect; 3. The way forward ought to be accomplished through an objective and transparent process to first identify the negotiables in order to then move to intergovernmental negotiations; 4. The Open-ended Working Group should carry out consultations on the framework and the modalities for intergovernmental negotiations; 5. Further steps must contain components and notions that will allow the membership to reach a general agreement on all aspects of Security Council reform, in particular on both the composition of the Council and its working methods; 6. The reform of the Security Council must accommodate the interests and concerns of all sides, especially those who are currently underrepresented; and 7. Member States should refrain from steps which could serve to undermine the current momentum and consensus to continue a process with the intention of achieving result oriented solutions.”

Following Kerim’s remarks, almost 90 Member States took the floor delivering statements on their views on the composition of a reformed Security Council and the way towards it. Many indicated their continued frustrations over the slow process, although in general positions did not appear to have changed much since the September debates.

Different groupings of states continued to back the well-known reform models, with the main factions as usual being the UfC, lead by Italy and Pakistan, the G4 and the African group. Interestingly, the IBSA group did not speak, but this was probably due to the fact that their interests were already represented by the above-mentioned blocs.

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The discussion also revealed huge differences in opinion on how to move the process forward, that is, how to interpret the results of the last Session’s Working Group. Although most Member States agreed that the process of working methods reform could continue independently from the enlargement debate,

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<sup>28</sup> The statement is available at <http://www.centerforunreform.org/node/287>.

disagreement on how to move the latter track forward continued. The delivered statements clearly showed that there was no consensus on how to understand the term ‘intergovernmental negotiations.’

In general though, the Uniting for Consensus group urged the membership to continue to use the Working Group as the main forum, to build upon the facilitators’ reports and not to adopt any ‘artificial’ deadlines. Members of the G4 asked the membership to act as soon as possible in order to use the current momentum. Germany, Brazil and India indicated their willingness to pursue a solution outside the Working Group. Both India and Germany requested a text from President Kerim as a basis for negotiations as well as a set timeframe for negotiations. India stated that they would not be interested in any interim or intermediary model that had been recommended by the different facilitators during the 61st Session. A common theme of many of the statements from across the different factions was the desire for a more forceful approach from the President. In particular, many wanted explicit guidance on how to move the process forward.

The debate had been widely anticipated by the membership as an opportunity to follow-up on the previous September’s heated discussions, and many Member States had reportedly been anxious to know what plans the President had for moving the process forward. For those reasons, many viewed the debate as a ‘make-or-break’ moment in the process.

*Commentators had noted that Kerim could either come out with an agenda of his own, illustrating the negotiables and clearly mapping the way ahead for the membership or he could leave the initiative to the membership and let Member States decide where to take the negotiations. According to sources close to the developments, President Kerim chose the latter.*

Commentators had noted that Kerim could either come out with an agenda of his own, illustrating the negotiables and clearly mapping the way ahead for the membership or he could leave the initiative to the membership and let Member States decide where to take the negotiations. According to sources close to the developments, President Kerim chose the latter. Some Member States, especially those calling for permanent seats, had instead wanted a more forceful approach from the President. Other observers noted that some Member States themselves needed to ‘stick their neck out’ and move the process forward rather than leave it to the President of the

General Assembly, who was likely being pushed in opposing directions by the membership. In any case, the debate did not yield any concrete results other than the continued rehashing of well-known arguments.

A month later, on 14 December 2007, Kerim decided to convene a closed meeting of the Working Group to infuse some momentum in the debate. Clearly, this must have pleased the G4 who had previously called for more action.

In his opening remarks the President announced the formation of a new ‘Task-Force on Security Council Reform,’ made up of Ambassadors Heraldo Muñoz of Chile, João Manuel Guerra Salgueiro of Portugal and Ismat Jahan of Bangladesh and the President himself.

Finally, Kerim noted that he planned to convene focused meetings with individual Member States during the months of February, April and June of 2008, although he added, “this timetable is conditioned on progress made in our deliberations and consultations during the periods in between.”

Upon taking the floor, Ambassador Thomas Matussek of Germany once more stated his country’s firm support of the proposals of the G4. To jumpstart the development, the Ambassador announced that



Germany had decided to organize the formation of an overarching group. The group, which had already held its first meeting on how to get organized, would be open to all Member States and would start work soon “on text elements to be considered for further negotiations in the following six categories: size of the Security Council; categories of Membership; the question of veto; the election procedure for new members; review, and working methods.” Germany expressed hope that the exercise would result in some form of concrete text, and finally added that they would not rule out a solution involving a two-step, or intermediary, approach.

This approach was supported by Japan and Brazil. India added that any solution should further strive to include new permanent members; and the Indian ambassador also noted that future texts could be based upon the Ezulwini Consensus. Botswana, on behalf of the African Union, reaffirmed the African group’s principled commitment to the Ezulwini Consensus.

*... [Germany] added that they would not rule out a solution involving a two-step, or intermediary approach.*

Italy and Pakistan both stated that the aim of the process should be a general agreement based on consensus, not on a vote, and that the Working Group was the only legitimate place for negotiations on Security Council reform. In a pointed reference to the above-noted German initiative, Ambassador Farukh Amil of Pakistan further said that, “we cannot therefore accept any attempt to circumvent or undermine the Working Group. Select gatherings and informal meetings organized by Permanent Missions, is their prerogative, and a practice that is understandable. What is not understandable is that any exclusive, unilateral or self-generated group could be allowed to determine a course of action or make proposals on behalf of the rest of the membership.” The Ambassador urged President Kerim to strongly discourage such moves “as they undermine the process.”

Interestingly, as to reform of the working methods of the Security Council, the UK lauded the work of the Slovakian ambassador in the Informal Working Group on Documentation and Other Procedural Questions, and added that the UK would work for the implementation of a 2006 internal Security Council agreement on reform of its working methods (S/2006/507).

The meeting of 14 December 2007 was the last of the Working Group of the year, and as of 1 March 2008 also the last of the 62nd General Assembly Session, which ends in September 2008.

### **The Future Process ...**

There have been many attempts to reform the Security Council since the founding of the United Nations in 1945. Although few have resulted in significant change, all have radically underlined just how intricate and complicated such a process truly is. Furthermore, as has occurred in previous years, reform of the Security Council can refer to several different things: to changing how the Council works, modifying the right of veto or revising the composition of the membership. A look at the current state of negotiations should at least provide some hints of possible future scenarios of the various reform processes.

Within the cluster of working methods, recent developments have given rise to modest optimism. The 2006 presidential note (S/2006/507) solidified previous gains, and gave the Council a concrete starting point for further work on reform. The British statement at the latest meeting of the Working Group clearly demonstrated that there is – at least among some permanent members – a willingness to work towards a more open and transparent Security Council, but the statement also highlighted the inherent opposition from Council members against any interference in how to conduct “their business.” Thus, the key to change lies more with the permanent members of the Council, than with the General Assembly or

small interest groups. According to diplomats from the S5 faction, future work of the group will be centered more on inspiring change from within than promoting elaborate General Assembly resolutions.

Nonetheless, small steps have been taken towards change, although it is doubtful that these could lead to modifications in the right of veto. Establishing set rules of procedure might pave the way for some progress along the lines of the presidential note of 2006, but China, Russia and the United States are fervently opposed to any rules that would govern how the Council conducts its dealings. France, the UK and perhaps even a ‘daring’ non-member might be able to spur some development within the Informal Working Group on Documentation and Other Procedural Questions, on further non-binding, but publicly

*[France and the UK] do not necessarily want to limit their powers, but they also know that their legitimacy currently rests on increasing the transparency and inclusiveness of their Council dealings. To an extent, this has already happened in regard to sharing information with other members of the European Union; however, they realize that they also have to extend it to all General Assembly members.*

available, regulations. The two European countries do not necessarily want to limit their powers, but they also know that their legitimacy currently rests on increasing the transparency and inclusiveness of their Council dealings. To an extent, this has already happened in regard to sharing information with other members of the European Union; however, they realize that they also have to extend it to all General Assembly members.

The process on working methods within the General Assembly’s ‘Open-ended Working Group’ could gain some momentum if suggestions do not impose conditionality, and in general are kept at a “reasonable

level” as seen from a P5 perspective. However, developments could be hampered by Member States vying for permanent seats, if the working methods debate overshadows talks of expansion, which they want to have priority. Work towards more transparency could also be hampered by some Member States that are increasingly disillusioned by the slow process. There seems to be a growing awareness among those Member States that more transparency would not necessarily translate into more involvement in the decision-making procedures of the Council. Paradoxically, some of the measures previously implemented to increase transparency have actually meant that more decisions have been taken in secrecy. For instance, as more public discussions have taken place in the large Security Council chambers, more informal negotiations have been moved to an adjacent closed room. Increasingly, this has tended to focus attention on other ways of influencing the Council. Some states consider the General Assembly’s Fifth Committee (administrative and budgetary), which manages the budget of the United Nations, as the only real way to influence the decision-making of the Security Council. This endeavor, however, stands minimal chances of succeeding, as one former Chairman of the Fifth Committee and ambassador of a developing country noted.<sup>29</sup>

On the debate on the composition of the Council, the process has so far progressed very slowly. Germany is currently exploring some ideas to move the process forward as confirmed by recent press reports. With the launch of the overarching group (or perhaps, more an overarching process) in New York, the Germans clearly signaled that they are ready to pursue some sort of further movement. However, serious obstacles remain. Neither Italy nor Pakistan have taken part in the group (or process), and the two countries continue to argue that a basic framework for negotiations must be agreed upon before any actual drafted text can even be considered. In this regard, diplomats connected to the UfC group doubt that the German efforts are likely to produce any concrete results before the end of 2009.

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<sup>29</sup> In the view of a former chairman of the Fifth Committee and Ambassador of a developing country, the Fifth Committee tends to just ‘rubberstamp’ the decisions of the Council.

The German initiative seems to be spurred on by a spreading notion among the members of the G4 – especially Germany and Japan – that their time to argue for permanent seats may have ended. Many commentators believe that the two countries had a better chance of getting permanent seats in the 1990s when the main arguments were based on the size of payments to the UN. Instead, sentiments seem to have moved away from adding more industrialized nations to adding more developing countries as a way to make the Security Council more representative. Among the permanent members of the Council there seems to be quiet satisfaction with this development.

A permanent seat for India is another issue. Ambassador Nirupam Sen has said many times that he sees no added value in a solution that omits the inclusion of new permanent members. Several sources within the diplomatic community note that India continues to staunchly believe that “time is on their side,” and that they can afford to “wait the process out” in hope of a permanent seat. If India decides to adopt such an all-or-nothing attitude, it could seriously undermine the current negotiations. Deciding to link progress within the expansion-cluster to other unrelated reform issues could have similar consequences. On the other hand, India did show flexibility by abstaining on including the right of veto, and could perhaps be willing to enter in negotiations in the face of the current resistance from the Uniting for Consensus group. Brazil and South Africa – the other members of IBSA – also seem to have realized the enormous challenges from within their respective continents, although they might be able to garner some support if they can turn the debate into a North/South question.

However, at the moment, that strategy could backfire horrendously for South Africa. Africa is the only regional grouping with a consensus on the question, and South Africa would have to break the African position and move away from the Ezulwini Consensus to reach a compromise on forfeiting the veto. This presents them with an obvious paradox: how could they argue that they are the African representative if they are not part of the African consensus? At the moment the African position seems solidly in favor of the Ezulwini Consensus. African leaders even reaffirmed this position at an African Union summit in Ethiopia in early February 2008.

“The AU decision must be a disappointment for Japan, Germany, India and Brazil, who can’t secure a seat in the Council without having Africa on board. The AU’s call to expand the use of the veto [to new permanent members] has no chance of collecting wider support at the UN. It is a self-defeating proposal, and they know it,” Ayca Ariyork, a Senior Associate at the UN Association of USA, said in a recent analysis.<sup>30</sup> Talks with African representatives in New York have revealed that opposition continues to be stacked against permanent seats for South Africa, Nigeria or Egypt, and for many smaller and medium-sized states demanding the veto is one way of keeping the countries out. It is therefore doubtful that the group will drop its insistence on the right of veto. And it is equally doubtful that other countries or groupings will negotiate with the Africans without knowing the names of their candidates. A European ambassador even noted that there will be no negotiations without actual names of African candidates, and given the internal African turmoil, names are not immediately forthcoming. In this regard, Africa currently seems to be holding the key to further movement on the expansion debate, although many Member States of the African Union seem reluctant to use it.

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<sup>30</sup>Article no longer available on website of UNA-USA.

For over a decade, Member States have fought a bitter war of attrition and reform fatigue seems widespread, with some ambassadors even hoping to shelve the process if no compromise is found by the end of this Session. The road ahead looks indeed very challenging.

*[Note: The above chapter is a reprint from the Center for UN Reform Education's 2008 publication "Managing Change at the United Nations."]*

# 2

## REFORM OF THE SECURITY COUNCIL

2007 - 2013

by Lydia Swart

### Executive Summary

During the last six years, the General Assembly's deliberations on Security Council reform have continued to be contentious, repetitive, and slow. In September 2007, Member States agreed to move this reform effort from the Open-ended Working Group to a new forum: Intergovernmental Negotiations.<sup>31</sup> But it took a year before the parameters of the negotiation process were agreed to, as delineated in decision 62/557 of 15 September 2008, which has inspired contradictory interpretations ever since.<sup>32</sup> Then, after the negotiations officially started in early 2009, it took yet another year before a negotiation text was produced. This text, based on proposals submitted by Member States, has been revised numerous times. Nevertheless, it currently remains a long document of about 30 pages. Moreover, some Member States – including two members of the Permanent Five – have regularly challenged its status as the basis for the negotiations.

Since late 2007, as described in section 1, enlargement of the Security Council and the process of the deliberations have been the most intensely contested issues. In recent years, the G4 and L69 groupings have sought more immediate results on expansion with new permanent members by circulating and seeking support for draft resolutions, while Uniting for Consensus (UfC) – which is against new permanent seats – at first resisted the creation of a negotiation text, subsequently had reservations about its third revision, and now objects to the formulation of a more concise document.<sup>33</sup>

These strategies of rather forcefully pushing for specific results on the one hand, countered by moves that are generally perceived as defensive and intended to slow down the process on the other, have contributed to an atmosphere of mistrust and considerable misgivings concerning the viability of the negotiations.

Diplomats from the G4 and L69 argue in defense of their positions that there are obvious majorities in favor of their proposals – an assertion vehemently challenged by the UfC – and that their 2007 and 2011 draft resolutions were primarily intended to “create some momentum” in a painfully slow process. As to

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<sup>31</sup> The full titles of the Open-ended Working Group and Intergovernmental Negotiations include at the end: *on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the (Security) Council*. The Open-ended Working Group was established in December 1993 and started its work in January 1994.

<sup>32</sup> For a copy of decision 62/557, see Appendix II.

<sup>33</sup> The Group of 4 (G4: Brazil, Germany, India, and Japan) seeks expansion with permanent seats but is willing to forgo veto rights, at least for now. The L69 group (consisting of developing countries) also wants expansion with new permanent seats but since 2012, it has proposed that these seats also have veto powers - which is also the official position of the African Group, coordinated by the C10. UfC is against new permanent seats and instead proposes a new category of longer-term and renewable seats.

accusations of deliberately stalling the deliberations, the UfC points to the compromise proposal it has advanced since 2009, as well as its other flexible moves, meanwhile criticizing the G4 for its “all-or-nothing” approach. Moreover, the UfC likes to note that the African Group and others have shared their reservations about the third revision or streamlining the negotiation text.

*... it will be interesting to see if Africa’s common position will continue to hold or if presumed divisions will now be forced to the surface, as has long been the case concerning Member State positions within other regions.*

The African Group has consistently restated its position – the Ezulwini Consensus<sup>34</sup> – time and time again, with some of its diplomats contending that showing flexibility at this stage would be neither productive nor strategic as long as there is no common understanding among UN Member States on key principles. The African Group’s insistence on veto rights for new permanent members has long been considered unrealistic by the G4 and its closest allies, but recently this concept has actually been on the table. The L69 – which includes G4 members Brazil and India – produced a proposal and draft resolution in 2012 which meets the demands of the African Group.<sup>35</sup> It will be interesting to see if Africa’s common position will continue to hold or if presumed divisions within the group will now be forced to the surface, as has long been the case concerning Member State positions within other regions.

The five key issues under consideration, as stipulated in decision 62/557 of 2008, are:

- *categories of membership* (for instance, enlargement of the Security Council with additional permanent and/or non-permanent members, and/or a new third category of longer and/or renewable seats);
- *the question of the veto* (extending it to new members and/or restricting/abolishing it: the latter is also a working methods’ issue);
- *regional representation* (e.g. ensuring that geographical representation will be equitable, or that new members will be accountable to their regions);
- *size of an enlarged Council and working methods* (e.g. agreement on numbers necessary when voting in an expanded Council; or ways to improve accountability, transparency, access, quality of annual reports etc.);
- *and the relationship between the Council and the General Assembly* (a.o. the role of the GA on peace and security issues).<sup>36</sup>

Many diplomats interviewed for this chapter – including some that favor new permanent seats – are skeptical that Security Council reform will happen any time soon because they expect it will be hard to reach a decision on many of the five key issues simultaneously. For example, a considerable number of the Member States that favor expansion with additional permanent seats are not prepared to provide such seats with the right of veto. Moreover, efforts to gain sufficient support for a particular resolution may involve promising better representation in the Security Council to specific interest groups, making the size of the Council too large in the opinion of other Member States.<sup>37</sup>

Because so many meetings have involved acrimonious negotiations about process – with deliberations on substance mostly entailing the restatement of well-known positions – few diplomats would argue that “real” negotiations have been taking place thus far. Compared to five years ago, however, there presently seems to be a more in-depth understanding of the breadth of proposals on the table, the level of support

<sup>34</sup> See Appendix I.

<sup>35</sup> See Appendix VII.

<sup>36</sup> Jakob Silas Lund provided an analysis for the Center in 2009 on the pros and cons of proposals in regard to each of these elements. See [www.centerforunreform.org/node/414](http://www.centerforunreform.org/node/414).

<sup>37</sup> Many small island developing states, for instance, back the creation of new permanent seats in return for a dedicated non-permanent seat for small island states.

some of these are reported to enjoy, and the specific obstacles they face. And some insiders see signs of convergence among developing countries.

Section 2 describes the key groupings in the reform process who focus on specific forms of expansion: the African Group, G4, UfC, and L69. The lack of substantial outcomes during the last 20 years of Security Council reform deliberations in the Working Group and Intergovernmental Negotiations seems not only a consequence of the intense power struggles being waged between groupings of Member States, but also rests on substantive and strategic differences among those professing to share specific goals.

Section 3 explores the role of the Permanent Five (P5: China, France, Russian Federation, United Kingdom, and the United States). Few specifics have been shared in public or in interviews with the Center over the years. It is not uncommon to hear diplomats from various groupings blame the lack of progress squarely on the P5. For instance, a few insiders have indicated that some P5 members are using demarches to slow down the process. It should be noted that in this regard, both France and the UK – seeing themselves as constructive players – feel considerable resentment about being lumped with the other members of the P5 in the negotiation process.

In Section 4, the focus is on the roles of the Chair of the Intergovernmental Negotiations, Afghan Ambassador Zahir Tanin, and the recent Presidents of the General Assembly (PGAs). Many of the PGAs have actively tried to move the process along by appointing facilitators, creating task forces, producing guidelines, drafting work plans, organizing retreats for more interactive dialogues, among many other initiatives. But in the end, they have had to admit that the most vocal factions find it hard to agree on either process or substance. And, as one diplomat wryly noted, Tanin, who has chaired the negotiations since early 2009, has not been given much space to maneuver.

The PGAs, as well as Tanin, must find it challenging to be regarded as genuinely impartial as they try to move the process along. Recently, those who are against new permanent seats have been very upset with Tanin after he suggested in July 2012 that he could be tasked with drafting a more concise negotiation text. This proposal was welcomed by the G4, however, which had called for a shorter text for years. Adding to concerns about progress during the deliberations in the 67th Session was that PGA Vuk Jeremić and Tanin were not on the same page as to how and when to proceed.

Section 5 deals with proposed compromise proposals.<sup>38</sup> In 2007 and 2008, calls for an *intermediary model* of expansion of the Security Council – also called *interim*, *transitional*, *intermediate*, and *timeline perspective* – gathered momentum, but opposition from India and the African Group soon dampened expectations. Nevertheless, during the last five years, Liechtenstein, the Philippines, and the UfC have formulated compromise proposals but discussions on their models are unlikely to be fruitful as long as some Member States remain convinced that additional permanent seats could be a possible outcome of the negotiations.

*A complicating factor is that those G4 members who are willing to discuss an intermediary approach insist that it should include a potential progression from long-term seats to permanency, an option that the UfC and others do not endorse.*

As active opponents of new permanent seats, the UfC group probably lacks the necessary neutrality – and according to some insiders, even the motivation – to effectively advance its proposal to create a third category of elected and longer-term seats. A complicating factor is that those G4 members who are willing

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<sup>38</sup> See for instance the analysis on a transitional approach by Jonas von Freiesleben at [www.centerforunreform.org/node/357](http://www.centerforunreform.org/node/357).

to discuss an intermediary model – with their official narrative still focusing primarily on expansion in both categories – insist that it should include a potential progression from long-term seats to permanency, an option that the UfC and others do not endorse.

It is fair to conclude that although most of the 193 UN Member States are intensely interested in the negotiations – or at least their Permanent Representatives in New York are – they aren't actively engaged or feel hard-pressed to provide clarity on their positions when approached to support a draft resolution or to form a new like-minded group. Many insiders claim that too many capitals are merely passively involved, even though they continue to publicly profess to support a more broadly representative Security Council as was agreed to at the 2005 World Summit. To many of those countries where the level of national interest is not especially high, expressing vague or common positions probably seems a convenient way to deal with intense lobbying by opposing factions.

It should be noted that the Center will present the issue of reform of the working methods of the Security Council in volume 2 of the series *Governing and Managing Change at the United Nations*.

## 1. MOVING FROM THE WORKING GROUP TO INTERGOVERNMENTAL NEGOTIATIONS

We suggest that our readers start by reading Jonas von Freiesleben's succinct and informative chapter on Security Council reform from 2008 which can be found on pages 1-22 in the print version of this publication and which covers the period 1945-2008.<sup>39</sup> But for those who read this update without the benefit of reading his analysis first, we begin with a recap of some developments in 2007 which are key to understanding the current dynamics of the deliberations – in particular in regards to the origin and strategies of the L69 Group and the parameters of the negotiations.

### **Establishing the Intergovernmental Negotiations on Security Council Reform**

By 2007, some Member States, particularly the G4, had become extremely frustrated with the slow progress the Security Council reform process was making. They therefore regularly suggested votes as a way to narrow down the myriad of proposals produced over a period of nearly 15 years. Such calls, however, were easily sidestepped by the Working Group where decisions were expected to be made by “general agreement” – a term that equals or closely approaches consensus, depending on who you are talking to – as determined in 1993 when the Working Group was formed.

Nevertheless, this agreement was challenged in September 2007 when a draft resolution, co-sponsored by 25 countries, was produced for the meeting of the Working Group where the PGA's progress report had to be adopted and the Working Group's continuation authorized. The resolution<sup>40</sup> – L69, also referred to as the ‘India resolution’ at the time – not only called for intergovernmental negotiations to start, but also for an outcome to be achieved before the end of 2007, to include:

- Expansion in both permanent and non-permanent categories.
- Greater representation of the developing countries, including island and small States.
- Representation of the developed countries and those with transition economies reflective of contemporary world realities.
- Comprehensive improvement in the working methods of the Security Council.
- Equitable geographical distribution.

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<sup>39</sup> For an online version, see [www.centerforunreform.org/node/308](http://www.centerforunreform.org/node/308). Also see Jonas von Freiesleben's analysis on developments during the 62nd Session at [www.centerforunreform.org/node/372](http://www.centerforunreform.org/node/372).

<sup>40</sup> Possibly, a later version of this resolution had a few more sponsors. See Appendix V.



- Provision for a review.

These elements were clearly meant to attract a large group of developing countries but failed to specify giving the right of veto to new permanent members, which the African Group insists on. G4 members Brazil and India were co-sponsors, but Germany and Japan were not, nor was any country of the UfC faction. Nine African countries were supporters, including Nigeria and South Africa, suggesting that the Ezulwini Consensus may not necessarily entail unity among African Member States when called on to support relevant resolutions. Though a vote on the L69 resolution did not take place, then PGA Sheikha Haya Rashed Al-Khalifa's report on the Working Group was amended and on 17 September 2007, the General Assembly agreed:

... that the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Council should be considered during the sixty-second Session of the General Assembly so that further concrete results may be achieved, including through *intergovernmental negotiations*, building on the progress achieved thus far, particularly at the sixty-first Session, as well as the positions of and proposals made by Member States. (A/61/47, italics added.)

For those countries that have been seeking progress on Security Council reform sooner rather than later, the move from the Working Group to intergovernmental negotiations was considered a very promising development. Unlike the consensus process in the Working Group – which, incidentally, was never formally abandoned – the G4 believed that intergovernmental negotiations would now more readily lead to votes being taken.

To help speed up the Security Council reform process, Germany formed a group of Member States in late 2007 as part of what they referred to as an “overarching process.” The aim of this process was to create a draft proposal to form the substantial basis of the intergovernmental negotiations. Although the overarching process was open to all Member States, it only attracted the participation of about 40 states. Interestingly, it considered issues which did not match the five that had been used in 2007, or accepted later on. The issue of the election procedure for new members was a key element in the overarching process, while the relationship between the General Assembly and Security Council was not.

*The issue of the election procedure for new members was a key element in the overarching process, while the relationship between the General Assembly and Security Council was not.*

In early 2008, the result of the overarching process was presented by Cyprus to the Working Group. Drafted by Cyprus, Germany, Malaysia, the Netherlands, Romania, and the United Kingdom, the text (known as the Cypriote proposal) sought to add seven new elected members to the Security Council: two for Africa, two for Asia, one for Latin America and the Caribbean, one for Western Europe, and one for Eastern Europe.<sup>41</sup> However, the terms for these new seats were bracketed and left open for future negotiations, although the idea of the intermediary model's mandatory review was seen as a basis to proceed and not bracketed.

The Cypriote proposal was immediately rejected by India, which stated: “the interim solution is not a solution but a problem.” Before the presentation of the proposal, the African group and the UfC had already written to PGA Sgrjan Kerim in March 2008, mentioning the need to first agree on the framework and modalities of the intergovernmental negotiations in the Working Group.

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<sup>41</sup> Also see the Center's analysis of 16 April 2008 at [www.centerforunreform.org/node/333](http://www.centerforunreform.org/node/333).

In December 2007, Kerim had formed a Task Force under his chairmanship which included Permanent Representatives Ismat Jahan of Bangladesh, Heraldo Muñoz of Chile, and João Manuel Guerra Salgueiro of Portugal, to which he added Roble Olhaye of Djibouti later on, referring to these diplomats as Vice-Chairpersons. The Task Force acted as a focal point for Member States and sought to identify key elements of the negotiables to be considered in intergovernmental negotiations. The first report of this Task Force was presented in June 2008 and stressed the value of utilizing a “timeline perspective” – one of the many terms used for the intermediary approach – by identifying what could be achieved in the short term and then revisiting outstanding issues through a mandatory review after 10-15 years.<sup>42</sup> The report also contained a section called “New Inputs and Reaffirmed Views” which explained how various groupings preferred to proceed, and included an annex that summarized expansion options when the size of the Security Council reaches between 22 and 26 members.

The first report of the Task Force, however, did not include a recommendation on how to conduct the proposed intergovernmental negotiations. Kerim then drafted a report, issued a few months later, which contained proposals to commence such negotiations in the 63rd Session and suggested a solution based on the “widest possible agreement” (A/AC/247/2008/L.1). Although the latter is often understood to imply a genuine effort to reach agreement by consensus – as actual practice in the GA has shown – does not strictly exclude the possibility of holding votes.<sup>43</sup> The UfC immediately stressed that any solution should be based on a “general agreement” – as agreed to in 1993, 1998, and 2007 – which they underlined equals reaching consensus. Unsurprisingly, the G4 reiterated its concern about the slow pace of the process, insisting that the Working Group be abandoned and calling for intergovernmental negotiations to start as soon as possible.

*... “widest possible agreement” had been changed into “widest possible political acceptance,” with the latter apparently allowing for multiple interpretations.*

After the draft report from Kerim on the future of the Working Group was poorly received in early September 2008 – in protest, India had not even shown up – Kerim issued a revised report (A/AC/247/2008/L.2) that was discussed on 10 September 2008, again drawing strong opposition. In this version, “widest possible agreement” had been changed into “widest possible political acceptance,” with the latter apparently allowing for multiple interpretations, as is explored more fully below.

In an update for the Center for UN Reform at the time, Jonas von Freiesleben provided a lively description of the commotion that resulted after Kerim had presented his revised report:

... Kerim announced that the report would be withdrawn as he had been unable to find a compromise solution. Several countries immediately sprung into action, with South Africa and some 50 co-sponsors now presenting the report for adoption. “If someone doesn’t like it, let’s have a vote and see who it is,” South African Ambassador Dumisani Kumalo announced.

It caused instant confusion, as Member States scrambled to get the microphone and Secretariat officials powered up the voting machines. The Italian Ambassador called for a technical roll-over resolution, while several countries spoke for and against the validity of a vote in the Working Group. The confusion became even more widespread as several Member States seemed unaware of what draft they were voting on. Especially Costa Rica and Italy forcefully requested to receive a clean, official and final version of the report before they could vote.

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<sup>42</sup> A copy of the report can be found at [www.centerforunreform.org/node/356](http://www.centerforunreform.org/node/356).

<sup>43</sup> In 1986, for instance, it was decided that budget decisions should be made by consensus: the exact term used was “broadest possible agreement” (A/41/213.) Nevertheless, votes did take place almost 20 years later as is described in [www.centerforunreform.org/node/437](http://www.centerforunreform.org/node/437) in chapter 4, pages 81-83.

And in the midst of the confusion of speakers – some objecting to a vote, others loudly calling for the Chairman to close the list of speakers – Kerim quickly asked the membership if they could adopt the report by consensus. Waiting only a few seconds, he instantly lowered his gavel and declared that the meeting would move to the General Assembly. The confusion was total. Several delegates seemed unaware of what had just happened – had they just agreed to the report or had Kerim adjourned the meeting without any results achieved?

That same evening, on 15 September 2008, the last day of the 62<sup>nd</sup> Session, Kerim presented a compromise solution in his amended report on the Working Group, resulting in decision 62/557 which was adopted in plenary that same day. It recalls earlier decisions regarding the importance of reaching “general agreement,” and states:

Decided, building on the progress achieved thus far, in particular during its sixty-first and sixty-second Sessions, as well as the positions of and proposals made by Member States, to continue immediately to address, within the Open-ended Working Group, the framework and modalities in order to prepare and facilitate intergovernmental negotiations ... to *commence intergovernmental negotiations in informal plenary of the General Assembly* during its 63<sup>rd</sup> Session, but not later than 28 February 2009 ... seeking a solution that can garner the *widest possible political acceptance* by Member States.

... Further decided that the basis for the intergovernmental negotiations would be as follows: (i) the positions and proposals of Member States, regional groups and other groupings of Member States; (ii) The five key issues: categories of membership; the question of the veto; regional representation; size of an enlarged Security Council and working methods of the Council; and the relationship between the Council and the General Assembly; ... (italics added, for the full text see Appendix II.)

Decision 62/557 – agreed to under extremely tense circumstances, with considerable arm-twisting from various sides – currently continues to guide the reform process. In order to accommodate demands from opposing factions, 62/557 is precise about some aspects (e.g. intergovernmental negotiations should start in informal plenary of the General Assembly during its 63<sup>rd</sup> Session, no later than 28 February 2009) but also stipulates that Member States should build on the proposals formulated in the two previous Sessions and that the negotiables would comprise a wide array of earlier proposals from Member States – or newly proposed, as it actually turned out. As to the concept “widest possible political acceptance” to be achieved – presumably while deliberations are taking place in informal plenary meetings of the GA – there does not seem to be agreement on what it exactly means: interpretations vary from consensus seen as unanimity, to near unanimity, to considerably more than two-thirds of the total UN membership.<sup>44</sup> And some Member States believe that in spite of decision 62/557, a narrow two-thirds majority should suffice, in line with Article 108 of the UN Charter.

The deadline of 28 February 2009 for the negotiations to start tended to make reaching understanding on the framework, modalities, and timeframe of the intergovernmental negotiations extremely tense. Tensions increased when, seemingly out of the blue, the new PGA, Miguel d’Escoto Brockmann, announced in November 2008 that he had scheduled intergovernmental negotiations to start as soon as 21 November 2008. The UfC immediately insisted that such an early start violated a “gentleman’s agreement” from September 2008 which entailed agreeing to a framework in the Working Group before

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<sup>44</sup> As to what will be required for a solution to be accepted when the negotiations will move from an informal to formal plenary, resolution A/53/30 of 23 November 1998 reads: “Mindful of Chapter XVIII of the Charter of the United Nations and of the importance of reaching general agreement as referred to in resolution 48/26 of 3 December 1993, determines not to adopt any resolution or decision on the question of equitable representation on and increase in the membership of the Security Council and related matters, without the affirmative vote of at least two thirds of the Members of the General Assembly.”

intergovernmental negotiations would start. Other countries disagreed. For instance, France said that the Working Group could not set any preconditions for the intergovernmental negotiations and Brazil added that 62/557 had already determined the modalities and framework by stipulating that they would take place in an informal plenary of the General Assembly.

As decision 62/557 does seem clear in this regard, the PGA, on 21 November 2008, circulated a work plan for the Working Group: On 5 December 2008, the framework of the intergovernmental negotiations was to be discussed; then in January 2009 an additional meeting on modalities would take place; and results of both these meetings were to be considered in January as well. No later than 1 February 2009 an informal plenary of the GA was to be held at which the PGA would present the results of the consultations.

At the 5 December 2008 meeting, Argentina and Spain, as members of the UfC, presented a proposal<sup>45</sup> insisting that the “terms of negotiations,” should include the following, among others:

- Rules based on the general practice in the informal plenary of the General Assembly; i) no record of the meetings; ii) no formal decision is taken; iii) no vote will be applicable.
- The principle that “nothing is agreed until everything is agreed.”
- No artificial deadlines.
- The commitment of good faith and mutual respect by all sides, who shall refrain from: i) unilateral or pre-emptive moves including tabling of draft resolutions; and ii) calls for votes, at any stage of the negotiations process.

According to a number of diplomats, there are no specific rules for informal plenaries. In 2011, the Swiss Mission produced a publication called *The PGA Handbook - A Practical Guide to the UNGA* which states that “informal meetings are not governed by the GA Rules of Procedure, but are often guided by them.” The use of the word “often” highlights that rules are by no means that clear-cut in every negotiation process.

Usually, no public records are made available of informal meetings. In this case, however, Tanin has actually prepared somewhat vague and overly optimistic overviews on a number of occasions, in line with d’Escoto Brockmann’s suggestion that Tanin could provide these under the PGA’s auspices. These overviews entered the public sphere because they were uploaded on the webpages of the relevant PGAs.

At the meeting of 23 January 2009, Canada and Malta presented a working paper with elements that they hoped could form the basis for a GA resolution.<sup>46</sup> The working paper included language about the need for a “well above the required two third majority;” that “nothing is agreed until everything is agreed,” but also recognized that the negotiations “shall be conducted in accordance with the general practice of informal plenary of the General Assembly.” Such a resolution did not materialize, but the contributions from Argentina and Spain, plus Canada and Malta, were annexed to the report called for in 62/557, with their current standing apparently somewhat unclear.<sup>47</sup> The PGA announced on 29 January 2009, that with the Chair of the Intergovernmental Negotiations, he would propose a work plan and also provide “clarity on the terms and modalities.”

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<sup>45</sup> A copy of the proposal can be found at [www.centerforunreform.org/node/378](http://www.centerforunreform.org/node/378).

<sup>46</sup> A copy of the proposal can be found at [www.centerforunreform.org/node/384](http://www.centerforunreform.org/node/384).

<sup>47</sup> “These proposals will be annexed in their entirety to the report which paragraph g of decision 62/557 requires the Open-ended Working Group to submit to the General Assembly before the end of the 63rd Session.” PGA Miguel d’Escoto Brockmann, 29 January 2009.

D'Escoto Brockmann's work plan was distributed in a letter dated 18 February 2009, in which he also announced that he had appointed Permanent Representative Zahir Tanin from Afghanistan, who was a Vice President of the General Assembly at the time, to chair the negotiations on his behalf.<sup>48</sup>

The intergovernmental meetings that took place the following day discussed the work plan first. The G4 expressed its support although India and Germany added that they continued to favor votes in case negotiations stalled. The G4, plus a number of countries that had supported the 2007 L69 resolution, also called for a "composite paper" to be produced by the Chair to serve as the basis for the negotiations.

*"...when the time comes to take action, we will move to a formal meeting of the General Assembly, whereupon the rules of procedure of the General Assembly will take effect."*

PGA d'Escoto Brockmann

Even the UfC expressed their support, especially for the following language: "when the time comes to take action, we will move to a formal meeting of the General Assembly, whereupon the rules of procedure of the General Assembly will take effect." This language suggests that the intergovernmental negotiations on Security Council reform held in an informal plenary are indeed not among those meetings at which the GA Rules of Procedure "guide" the process. The phrase "when the time comes to take action" for the UfC apparently meant the time when consensus is reached at the informal meetings. To others, however, as it was for PGA Joseph Deiss,<sup>49</sup> action should only be initiated at a time when either consensus is likely or when considerably more than two-thirds of the membership are in agreement. According to a key player of the UfC, the inclusion of the word 'political' in the phrase 'widest possible political acceptance' suggests that the outcome should be a result of genuine negotiations, with give-and-take from all sides.

### **Moving towards a Compilation/Negotiations Text**

The Intergovernmental Negotiations started in early 2009 but it took another year before a text was produced that could guide, or form the basis for, the negotiations. The G4 and a number of the original sponsors of the L69 had called for a "composite paper" prepared by the Chair as soon as the negotiations started. These countries hoped that text-based negotiations could start in March of 2009. From their onset, India and Japan again suggested moving progress ahead by taking a vote if negotiations stalled.

#### *First Round*

Closely following the work plan announced by the PGA, five meetings were held between 4 March and 20 April 2009 on each of the elements of reform: categories of membership; the veto; regional representation; size and working methods; and the relationship between the Security Council and the General Assembly. Tanin sent out letters before each meeting quoting positions of Member States that had been summarized in, and annexed to, the facilitators' reports of April 2007.

The facilitators' summary of positions have turned out to be fairly accurate and representative to a large degree; most of these perspectives have been regularly repeated during negotiations taking place in the last few years. The full summary can be found in Appendix III. Following is an incomplete, condensed version, which is intended to give the reader a flavor of the substance and scale of opposing perspectives:

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<sup>48</sup> Tanin had previously been appointed Vice Chair of the Working Group in November 2008.

<sup>49</sup> See the Oral Conclusions of the meeting held in Rome on May 16, 2011 at <http://www.italyun.esteri.it/NR/rdonlyres/97C2580E-5BCA-4E57-92CF-487E649C52D2/0/oralconclusionfinal.pdf>.

On categories, for instance, the facilitators noted that:

- A large group of Member States favored expansion with both permanent and non-permanent seats though some would include veto rights and others would not; while some others would ask the new permanent members not to exercise the veto initially.
- Some only wanted to see expansion of non-permanent seats.
- Some would like an interim or transitional solution based on longer terms and/or renewable seats.
- Some believed that a region should be responsible for the selection of its new seats, and some want to make those seats accountable to their region.
- Others believed that accountability could be achieved through a “challenge” in a review mechanism.

On the question of the veto, two levels of reform were identified: ideal and attainable. Many felt that eliminating the veto was not realistic. Instead of veto rights being extended to new members, or not at all, or not for now, some advocated restriction of its use.

As to the question of regional representation, it was noted that equitable regional representation is stipulated in the Charter as a criteria for selecting non-permanent seats. Some, however, understand regional representation to be a means to ensure accountability within a region. Many indicated that practice has shown that such representation rarely happens. Others suggested that accountability should not be regional, but global instead. Many felt that regional accountability is not yet feasible because current regional governance and structures remain incomplete or weak. Moreover, the existing divisions into regional groups at the UN are not ideal, with some states underrepresented. Finally, some countries felt that differences between cultures, religions, and civilizations could be considered as the basis to obtain equitable representation, though others felt that this would contradict the intergovernmental nature of the UN.

As to size of an enlarged Security Council, it was noted that nobody opposed expansion, although opinions on the right size varied widely. It was generally felt that the right size cannot be judged without also considering expansion and equitable representation simultaneously. In regard to size, criteria for expansion was felt to be important and suggestions included financial and diplomatic contributions; respect for democracy and human rights; the credibility, efficiency and effectiveness of the Council; and equitable geographical distribution. Some believed that the ratio between members of the Security Council versus the general UN membership should be taken into account (1:5 in 1945, 1:13 at present). How a new size would influence the power structure of the Security Council was also mentioned, as well as the need to adjust the proportion of votes to approve resolutions.

According to the facilitators’ report, “encroachment” by the Security Council on the General Assembly, mainly through broadening the definition of “security,” was a concern for some. (For example, attempts to consider climate change in the Security Council is hotly contested by many Member States, even as recently as February 2013.)

As Tanin later reported,<sup>50</sup> participation in the negotiations in March and April 2009 were off to a good start, with “more than three quarters of the membership engaging.” Most statements made by Member States, however, were painfully familiar though Germany seemed somewhat less fixated on permanent seats and UfC members Colombia and Italy presented a proposal on 20 April 2009 on all five issues. Their proposal on longer term seats (3-5 years barring immediate re-election or 2 years with the possibility of two immediate re-elections) garnered some attention but no serious discussion. (See Appendix VI.)<sup>51</sup>

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<sup>50</sup> See Tanin’s communication of 18 May 2009 at [www.un.org/ga/president/63/issues/screform18509.pdf](http://www.un.org/ga/president/63/issues/screform18509.pdf).

<sup>51</sup> Appendix VI is the version distributed by the Chair as a conference room document in January 2010. The original proposal from 20 April 2009 is not substantially different and was addressed to the Chairman. The 2009 proposal was printed on letterhead from the Mission of Colombia. The cover letter reads: “Colombia, together with the delegation of Italy, would like to present a model of reform ...”

The Chair of the negotiations prepared an overview<sup>52</sup> detailing the number of interventions and key points made during meetings held in March and April 2009 and proposed on 18 May 2009 to have three more exchanges in May and June of 2009 focusing on: 1) a review or challenge; 2) composition; and 3) working methods.

*Second Round*

At the meeting on the “review or challenge,” however, India started with commenting on Tanin’s overview of the first round of meetings, which had been distributed on 18 May 2009. India was concerned about the “pre-eminence the overview gives to the intermediate approach.” India added that the expansion of new permanent membership “enjoys overwhelming support” and that this should have been highlighted. The African Group had a similar reaction which they had conveyed to the Chair in a letter of 27 August 2009, complaining that their proposal – supported by 53 Member States – was given the same weight as proposals by individual countries.

The UfC was even more critical, with Italy complaining that the overview did not reflect “the flexibility that UfC has shown,” referring to the Colombia/Italy proposal. Italy also stated that the overview “exhibits a tendency to overstate ‘steps forward’ and unspecified ‘signs of flexibility,’ as well as a generic will to search for ‘points of convergence.’” Moreover, Italy objected to the fact that Tanin had re-arranged the five categories in his overview under new headings: composition, functions and powers, voting, and procedure, apparently following the Charter’s sections on the Security Council. Finally, Italy was clearly concerned that the overview would be “the basis or point of departure and reference for the second round of negotiations.”

The discussion on “a review or challenge” on 22 and 26 May 2009 exposed some unavoidable difficulties that arise when trying to explore closely related issues separately. Russia, for instance, felt that a discussion on review could not take place until the intermediary model was more fully explored.

*Review and challenge clearly can mean different things. Some see it as a way to postpone thorny issues for consideration during a future review. Others see a review as a way to make certain changes immediately that could then be reviewed or challenged at a later date.*

“Review and challenge” clearly mean different things to different Member States. Some see it as a way to postpone thorny issues for consideration during a future review. Others see a review as a way to make certain changes immediately that could then be reviewed or challenged at a later date.

Italy rejected the G4’s definition of a review which would “impose a sort of reversal of the burden of proof: Countries that wish to ‘challenge’ positions acquired by others in the Council would be given the responsibility for gathering the necessary majority in the GA.”

The meetings on composition held on 11 and 12 June 2009 and working methods on 23 June 2009 entailed few new points of view, except for an intervention by the Philippines. It came with a proposal<sup>53</sup> on composition that would include eight potentially new permanent seats: each of these seats would initially be for a term of five years which could then be renewed or allotted to a different country for five years to be decided by the relevant region, with eventual permanency a possibility. To our knowledge, this proposal did not generate much discussion.

<sup>52</sup> Id.

<sup>53</sup> See [www.centerforunreform.org/node/399](http://www.centerforunreform.org/node/399).

The Second Round ended with meetings on 22 and 23 June 2009 at which the issue of working methods was discussed.

### *Third Round*

Ambassador Tanin then proposed to have an initial meeting in early September 2009 to discuss the five key negotiables as a whole, to be followed by a series of meetings, each dedicated to a different aspect of Security Council reform. All in all, statements on substance were rather predictable. Regarding process, the UfC group immediately complained about having a meeting on just expansion of permanent and non-permanent member seats, and the G4 and African Group objected to a meeting on just the intermediary model.

Interestingly, during the debate on the veto, Nigeria and South Africa restated their more flexible stances initially made in 2005 about the right of veto, clearly breaking with the Ezulwini Consensus.

### *Fourth Round*

On 16 November 2009, Tanin announced the fourth round of negotiations, encouraging Member States to “reflect on their own positions and proposals and on the positions and proposals of their peers.” This was generally understood to mean that Tanin hoped that remarks in this fourth round would not be too similar to earlier statements. Only a few countries did actually present revised positions or new proposals. Indonesia stated that an *intermediate* solution might be the most constructive. And while Germany still favored “real structural reform,” it stated that it would be open to discuss a new category of long-term membership in the range of 12-15 years. The Netherlands suggested a period of 8-10 years followed by a review, while Slovenia suggested a 12-year review period. Italy, unsurprisingly, stressed that the intermediary model should never end in permanency for any country.

*“Any narrowing down of positions, based on erratic majority-minority logic would run counter to the spirit of negotiations.”*

- Pakistan

Opinions differed on whether to have negotiations based on a text. Brazil proposed that the Chair produce a working paper, because any text composed by Member States would undoubtedly be perceived as biased. Interestingly, Spain – a member of the UfC – also supported the idea of a working document while Pakistan, another UfC member, stated the opposite: “any narrowing down of positions, based on erratic majority-minority logic would run counter to the spirit of negotiations.” Italy agreed with Pakistan, stating that any negotiation document would be “destined inevitably for failure.”

In December 2009, to help move the process along more speedily, the G4 and South-Africa collected signatures for a letter which was sent to Tanin on 23 December, requesting him to “present Member States, before the second exchange of the fourth round, a text with options to serve as a basis for negotiation.”<sup>54</sup> They called for the text to reflect the progress achieved thus far in the rounds of negotiations as well as the proposals and positions that had been made by Member States. An impressive 138 countries signed the letter, including 30 African countries. Of the Permanent Five, only France and the UK signed, the latter only after it had apparently lobbied against it.

No Member State known to be a member of the UfC had endorsed the letter and some of them even claimed that they had never been approached for a signature. However, with such a large number of signatures, the UfC could not afford to completely oppose this initiative and thereby risk alienating a large

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<sup>54</sup> See [www.un.org/ga/president/64/issues/screform130110.pdf](http://www.un.org/ga/president/64/issues/screform130110.pdf).



group of Member States. On 13 January 2009, the UfC also wrote to Tanin, saying that as a group they were open to “a document for the continuation of intergovernmental negotiations.” It is noteworthy that the G4/South-Africa letter mentions “a text with options to serve as a *basis* for negotiation,” while the UfC considered the text just as a document to continue the negotiations.

Tanin replied to the G4/South Africa letter on 13 January 2010, indicating that he had received other letters as well.<sup>55</sup> These communications, Tanin wrote, reflected active engagement in the process of negotiations, suggesting that the fifth round would be text-based.

In early 2010, Member States were actively speculating about the kind of text that Tanin would produce. While some countries were hoping for a two to three page document, others expected a paper that would include all proposals that had ever been proposed in the Security Council reform debate. On 5 February 2010, Tanin sent out a letter with an attachment of 60 pages, which included communications he had received during the fourth round of negotiations. Tanin reminded Member States in his letter that the basis of the intergovernmental negotiations had to follow decision 62/557 and therefore include:

- The positions of proposals of member states, regional groups and other member states groupings.
- The five key issues (categories of membership, the question of the veto, regional representation, size of an enlarged Council and working methods of the Security Council, and the relationship between the Council and the General Assembly.
- The following documents: report of the Open-ended Working Group on its work during the 61st Session of the GA; GA decision 61/561 and the report of the Open-ended Working Group on its work during the 62nd Session of the GA.

Tanin requested Member States to submit proposals “fit for negotiation purposes,” and urged them to reflect on other proposals and to revise their own in light of the progress made during the first rounds.

### **Negotiations Begin on the Compilation/Negotiation Text**

On 10 May 2010, the “negotiation text” was faxed to Member States.<sup>56</sup> The 29-pages annex comprised the 30 proposals that Tanin had received from individual countries and groupings of Member States: the African Group, Arab Group, Bolivia, Canada and Mexico, Caribbean Community, China, Cuba, Denmark, Eastern European Group, G4, Italy and Colombia, Monaco, Non-Aligned Movement, North Korea, Liechtenstein, L69, Norway, Pakistan, Organization of Islamic States, Peru, the Philippines, P5, Russian Federation, Slovenia, South Korea, S5, Uruguay, UK and France, US, and Venezuela.

The multitude of often clashing proposals on the five key elements immediately reconfirmed that reaching solutions would not be easy, but the text did provide more clarity on the positions that were on the table and their key proponents.

*The multitude of clashing proposals ... immediately reconfirmed that reaching solutions would not be easy, but the text did provide more clarity on the positions that were on the table and their key proponents.*

According to one delegate involved at the time, Member States did not object to the fact that their contributions were re-arranged according to the five key negotiables because they found their positions accurately represented.<sup>57</sup>

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<sup>55</sup> Apparently these letters came from OIC, S5, and UfC.

<sup>56</sup> See [www.un.org/ga/president/64/issues/screform.shtml](http://www.un.org/ga/president/64/issues/screform.shtml).

<sup>57</sup> See <http://archive1.diplomacy.edu>, course given by Amr Aljowaily

### *Fifth Round*

The fifth round of negotiations started on 2 June 2010, during which the first revision of the negotiation text was shared with Member States. Compared to the summary of positions prepared by the facilitators in 2007, a considerable overlap can be noted as well as a number of additional considerations that had since been raised by Member States. According to one insider, it became clearer that some members of the P5 were starting to have doubts about the process, but none made a formal complaint at the time to the PGA or Chair, or this was not shared with the membership at large.

On 11 June 2010, the relationship between the GA and the Security Council was discussed and while most statements were reiterations of familiar positions, the Benelux<sup>58</sup>, some Scandinavian countries, the S5 and South Africa made specific suggestions on how to merge some of the language. Further suggestions made in late June and July led to the second revision which was presented to Member States on 30 August 2010. (See Appendix IX.)<sup>59</sup> The second revision was accompanied with an add-on text intended to be a more reader-friendly summary.

The next meeting on 21 October 2010 was chaired by PGA Deiss and concentrated on how to move the process forward, apparently after complaints were received from those that felt the process was stalling again.<sup>60</sup> Among the 37 Member States making statements, the G4 called for the shortening of the negotiation text and expressed the hope that the PGA would provide more guidance and leadership in the process. But the African Group made it clear that any efforts to produce a shortened version was a waste of time as long as the key principles of reform were not first agreed upon. The UfC stated the need to ensure the broadest consensus possible and to consider the five key issues in a coherent manner as they are clearly interlinked.

At the 11 November 2010 joint plenary meeting to discuss the Security Council's annual report and progress on Security Council reform, none of the statements revealed new positions. The request to shorten the text was reiterated, with India saying that only then would Member States be able to "proceed to real negotiations."

### *Sixth Round*

On 24 November 2010, before the start of the Sixth Round, Tanin sent a letter announcing a meeting on 14 December 2010 to discuss the second revision of the negotiation text, which he felt still contained redundancies and overlaps, and needed some editorial changes. He urged Member States to contribute concrete language to produce a leaner text. At the meeting, UfC argued that the second revision differed from the first thanks to the flexibility of its members. On behalf of L69, India and Jamaica stressed the need to expand the Security Council with members from the not- or under-represented parts of the world. As to process, India called for a shorter text while Singapore, on behalf of the S5,<sup>61</sup> pointed out

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<sup>58</sup> Belgium, Netherlands, and Luxembourg. When Luxembourg became a non-permanent member on the Security Council, Belgium and the Netherlands became a duo instead, and continued to be recognized as a 'group,' getting to speak at the meetings before individual countries. Belgium and the Netherlands have apparently enjoyed asking provocative questions, allowing other countries to respond to issues they otherwise might not have brought up themselves.

<sup>59</sup> The negotiation text, plus the first and third revisions, can be found on the websites of the relevant PGAs. See <http://www.un.org/en/ga/president/index.shtml>. Because revision 2 is not online, it is added as Appendix IX.

<sup>60</sup> See letter of PGA Deiss at [www.un.org/en/ga/president/65/letters/scr181010.pdf](http://www.un.org/en/ga/president/65/letters/scr181010.pdf).

<sup>61</sup> S5: Costa Rica, Jordan, Liechtenstein, Singapore, Switzerland.

that an agreement on how to move forward had to be reached at this stage, including a decision on whether or not Member States wanted to streamline the text.

### *Seventh Round*

On 2 March 2011, the seventh round of negotiations began, based on Revision 3 of the negotiation text which was distributed on 23 February 2011. Italy expressed a number of objections: the five key issues were not interlinked; the section dedicated to the intermediary approach started with listing positions that were against it; and the general statements were inconsistently ordered, following the positions.<sup>62</sup> But Germany welcomed the version and restated that the focus should be on those principles on which there was already broad agreement, a claim often and vehemently rebutted by the UfC.

Around approximately the same time, it became widely known that the G4 was circulating a short draft resolution, which called for both new permanent and non-permanent seats. Its operative part read:

Decides that the reform of the Security Council shall include enlargement in both the permanent and non-permanent categories and improvements on its working methods.

This was followed by a gap of almost nine months in the negotiations, which various groups blamed on different factors. The UfC felt the G4 was responsible. In a September 2011 letter to Tanin, the UfC wrote “the Intergovernmental Negotiations – and your ability to chair them – were de facto put on hold as a result of a divisive initiative ...” Earlier, the L69 had blamed the gap on those opposing Revision 3. In a letter to Tanin dated 17 June 2011, the group wrote: “A small group of delegations expressed their opposition to Rev3 of the negotiation text, throwing the negotiations into suspense mode.”

*...decision 62/557  
should not be considered  
a “holy grail.”  
- G4 diplomat*

In its defense, the G4 has since indicated that its draft resolution was merely intended to create momentum and that decision 62/557 should not be considered a “holy grail.” The UfC likes to note that their reservations about Rev3 is not just coming from a small group of delegations since the large African Group has also expressed reservations.

Around the time of the circulation of the G4 resolution, however, rumors had also started flying accusing the P5 of actually being responsible for the interruption in negotiations.

Meanwhile, during the gap in negotiations – as Tanin later wrote – “a number of Member States began to test the waters through increased communication with, and outreach to, the wider membership about their various initiatives and proposals on Security Council reform outside of the intergovernmental exchanges.” To make sure that these initiatives were shared with all Member States, Tanin asked on 18 August 2011 that these be sent to him for distribution to the entire membership.

### *Eighth Round*

On 28 November 2011, Member States agreed to continue with the Intergovernmental Negotiations as the forum for Security Council reform.

Between January-May 2012, five meetings followed, one for each of the five initiatives submitted to Tanin, in the order in which they had been received. These meetings proved more revealing than usual: more

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<sup>62</sup> A subsequent version of Rev3 which came out in February 2011 fixed this issue.

specifics on substance were provided, pointed questions were asked and some were answered, and existing levels of support were indicated by the initiators of various proposals, although the numbers of backers for each of these cannot be easily verified since lists of endorsers were not provided.

1. *The Group of 4* had sent their draft resolution to Tanin, which was discussed on 26 January 2012. Brazil, speaking on behalf of the G4, indicated that their resolution was just a shorter revised version of their 2005 proposal and currently enjoyed the written support of almost 80 Member States, with others also expressing interest.<sup>63</sup> Brazil contended that this level of support demonstrated that their proposal should be a basis for future discussion.

In response, Pakistan argued that the G4 resolution was a “take it or leave it” proposal that showed a lack of willingness to compromise. Others noted that by not mentioning the veto, it could not get the support of the African Group, and that some Northern countries that favor adding permanent seats – among them the Nordic group<sup>64</sup> – would be unlikely to endorse new permanent seats that did include adding veto rights.

2. In its letter to Tanin of 6 September 2011, the *Uniting for Consensus* group described the meetings it had organized in Italy in May 2011 as well as in Mexico in June 2011, pointing out that “on both occasions, a large number of Member States sent a clear signal on the parameters to achieve a much needed reform of the Security Council: the reform must be consensual and comprehensive to be effective, it has to serve the goals of strengthening the United Nations, and it has to reflect the core UN values of inclusiveness, democracy, flexibility, and accountability.” The oral summary made by the Italian foreign minister in Rome was added, which referred to PGA Joseph Deiss’ statement that “a narrow two-third majority is not sufficient.”

At the 21 February 2012 meeting, however, Italy presented the 2009 Italy/Colombia proposal once more, stressing the UfC’s genuine willingness to compromise. Appealing to the African Group, the UfC said that its proposal would meet the interests of the African continent as a group, rather than the interest of single countries. Japan, however, stated that without new permanent members – especially without Africa represented in the permanent category – a reformed Council could not be considered democratic or legitimate. Japan asked the UfC if it would be flexible enough to consider a “stepping stone” model with a comprehensive review, which would not exclude new permanent seats eventually.

In regard to the UfC’s reference to the oral conclusion of the Rome meeting, Germany commented that it surely was not an official outcome document but a subjective assessment by the host of the meeting. As to the Italy-Colombia proposal, Germany asked about UfC member Mexico’s proposal suggesting other terms such as a new category of members to be elected for 8-10 years with the possibility of immediate re-election. Later in the meeting, Mexico responded that the longer-term proposal should be seen as a sign of openness to negotiate. Liechtenstein, too, proposed a third category with longer term seats than those suggested in the Italy-Colombia proposal. Sierra Leone stressed that the UfC proposal moved away from the injustice done to the African continent. Egypt added that the veto issue was not only one of the major differences between the UfC and the African Group, but also between the G4/L69 and the African Group.

3. The meeting on 13 March 2012 focused on the reform initiative of the *L69* group. At the meeting, Jamaica said that “we” enjoy the support of “more than 80 countries.” Jamaica then made a surprising statement on behalf of the group that not only should there be new permanent members, but that they should also have the power of the veto, clearly appeasing the African Group. Egypt

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<sup>63</sup> A UfC source told the Center that the support of many of the 80 endorsers was conditional, e.g. on whether the right of veto would be included.

<sup>64</sup> Denmark, Iceland, Finland, Norway, and Sweden.

stated that if the G4/L69 would indeed add the veto to their proposal, African countries would vote in favor. Sierra Leone, representing the C10, pointed out the close relationship between the African Group and the L69, stating: “our engagement and consultations with the L69 has the potential of heading towards the direction of a common platform when fully crystallized, and which we hope, will remain open to all reform minded delegations and interest groups committed to a comprehensive and early reform of the Council and to redressing the much acknowledged historical injustice done to the African continent ...” Sierra Leone added that it seeks comprehensive reform in all five categories and rejects a piecemeal approach to reform, similar to the positions concerning process prevalent in the UfC group. Egypt wanted to know whether the 80 supporters of the G4 proposal were the same as the 80 supporters of the L69 proposal, bearing in mind the differences between the G4 and L69 proposals in regard to veto rights. Echoing Egypt’s questions about actual levels of support when veto rights would be included, Spain openly wondered whether there was a divide within the African group with some members in support of the L69 proposal, while others were not.

4. On 19 April, the proposal of the *African group* was discussed. In its letter to Tanin of 6 September 2011, Sierra Leone did not only refer to the Ezulwini Consensus – its standard refrain – but also stated it was still holding consultations on various issues, presumably in regard to the latest L69 proposal. During the meeting, Sierra Leone answered the earlier question from Spain, saying that those African countries who are active in L69 should be seen as facilitators on behalf of the African Group.

[The fifth meeting held was on Working Methods, which will be described in Volume 2 of this series.]

The 2012 draft resolution from the L69 group was not widely distributed but it clearly attempts to bring the L69’s and African Group’s positions together. (See Appendix VIII). It calls for new permanent seats that “shall have the same prerogatives and privileges as those of the current permanent members, including the right of veto.” Concerning the distribution of new seats, the resolution calls for two permanent seats each for Africa and Asia, and one permanent seat each for Europe and the Latin American and Caribbean states; plus one new non-permanent seat each for Eastern European and small island developing states. The resolution indicated that new seats would be filled by elections in the GA and also mentions the need for a review.

On 25 July 2012, Tanin wrote a letter to Member States<sup>65</sup> – which was distributed by PGA Al-Nasser two days later<sup>66</sup> – in which he outlined the meetings held during the four years of negotiations, indicating that:

As of yet, no solution has been attained that can garner the widest possible political acceptance by Member States, the bar set by 62/557. During negotiations *a majority of delegations taking the floor* have voiced support for an expansion in both categories, although delegations subscribe to different versions of this concept. While this trend is worth noting, it is necessary to keep in mind that *the level of support for a particular proposal can ultimately only be determined at the moment of action in the General Assembly*. [Italics added.]

The focus on the five Member States’ initiatives in the eighth round has meant that there has not been an opportunity to explore all interim or intermediate solutions to SC reform in detail. A number of Member States have indicated that it would be productive to address these options.

The Chair’s consultations have shown that Member States’ positions are not as entrenched as they may seem.

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<sup>65</sup> See [www.centerforunreform.org/node/494](http://www.centerforunreform.org/node/494) for a copy of the letter.

<sup>66</sup> A meaningful gap according to one diplomat, and he even suggested that some P5 members had pressured the PGA not to distribute it, an assertion not easily verified.

In his letter, Tanin made the following proposals of which the second and third caused quite a stir:

- ... explore a variety of reform models including expansion in both categories, interim and intermediate options.
- The logical next step, after no less than four General Assembly Sessions and eight rounds, would be genuine give and take based on *a concise working document. The logical drafter for this document would, in the best UN tradition, be the Chair.* ... [italics added.]
- Member States could, through the annual GA decision on Security Council reform task the Chair with drafting said document... Should the Chair see sufficient evidence of progress in the Intergovernmental Negotiations during the 67<sup>th</sup> Session, a high-level meeting on SC reform could be held, to assess the state of play and propose ways to keep the process moving forward.

Tanin had never before distributed his own specific proposals. His bold suggestion that as Chair he could produce a more concise working document obviously upset the UfC, which has long argued against streamlining the negotiation/compilation text. But proponents of new permanent seats, who have suggested a shorter document for years, were pleased.<sup>67</sup>

Apparently, Tanin's proposals damaged the UfC's confidence that the Chair was genuinely impartial. In the words of one diplomat belonging to the UfC: "Tanin, in his July 2012 letter, did not play right in the middle." The phrase about "a majority of states taking the floor" was also objected to, although Tanin had made the same observation in an earlier overview. Tanin had noted in his letter that only when it actually comes down to a vote would the actual support for a specific resolution be clear.

Tanin's suggestion that Member States could task the Chair with producing a concise working document did not materialize at the annual meeting as he had hoped. On 9 September 2012, PGA Al-Nasser distributed a draft for an oral decision on Security Council reform which referred to Tanin's role, without specifically mentioning his proposals:<sup>68</sup>

..., and noting with appreciation the active role and the concrete efforts of the Chair of the intergovernmental negotiations, including the preparation of the text reflecting the positions of and proposals submitted by Member States...

Some countries then lobbied to have a reference to Tanin's recommendations included in the draft decision, and the revised oral agreement that was finally adopted a few days later, at the end of the 66th Session reads:

..., and taking note of the proposals of the Chair of the intergovernmental negotiations, and noting with appreciation his active role and concrete efforts, including the preparation of the text reflecting the positions of and proposals by Member States ...

Though Tanin's proposals were mentioned, the fact that the language merely says "taking note" did not suggest a ringing endorsement, considering his other contributions to the reform process were noted "with appreciation." Nevertheless, the G4 and its allies considered the oral decision as an endorsement for a concise text.

At the joint debate on the annual report of the Security Council and reform process on 15 November 2012, only a few Member States called for the production of a concise text. Otherwise, the statements of Member States revealed little new. France reiterated an earlier suggestion that mass atrocities should

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<sup>67</sup> Tanin recently told the Center that he believes that his concept of a concise text would not necessarily have the problems associated with a "shorter" or "streamlined" text, such as the elimination of positions or loss of nuances.

<sup>68</sup> Also fanning rumors that there was considerable pressure on the PGA to downplay Tanin's letter.

preclude the use of the veto, though one source claims that France somewhat backtracked in the days following the meeting.

Tanin's next communication to Member States of 4 December 2012 asked them to review their positions on Revision 3 of the negotiation text and to contribute proposals to revise it further and did not specifically refer to the possibility of a concise text.

Both the UfC and the African Group have openly expressed their reservations about Revision 3. Recently it also became public knowledge that P5 members China and Russia had been similarly complaining about the negotiations' process. Their communications in this regard were made widely available on 17 January 2013, when Tanin distributed them to Member States.<sup>69</sup>

Tanin's letter not only refers to a letter from China of 11 January 2013, but also to two of its previous letters dated 24 January 2011 and 1 February 2011. China states in its letters that Revision 3 "reorganized and summed up the positions and proposals of Member States, which is not only inappropriate and harmful, but also undermines the integrity of positions of Member States." In its letter of 24 January 2011, China argues that the negotiation texts "may serve as an important reference, but not the basis of intergovernmental negotiations. ... Before the parties concerned reach general consensus on the major issues of principle, streamlining the text will not help bridge their differences, but rather bring about more problems."

On 11 January 2013, Russia had also written to Tanin, reiterating its position first stated in a letter dated 14 February 2011, that the "rev. 3 is, as any possible future version of such a paper must continue to be, a compendium listing approaches of Member States to the Security Council reform. It may serve as a useful reference paper facilitating the participation of Member States in the intergovernmental negotiations, but not the basis for the negotiations."

Besides the communications from China and Russia, Tanin also distributed responses from L69, the African Group, the UfC, and the G4 in his letter of 17 January 2013.

- The L69 group, in its letter to Tanin of 9 January 2013, concentrated on ways forward. It wrote, for instance: "our Group has been active in trying to engage other like-minded delegations and groups with a view to building further convergences and thereby facilitating the IGN process. Notable in this regard is our on-going outreach to the C-10 of the African Group."
- The African Group wrote to Tanin on 11 January 2013 to reiterate its stance that agreement on the "principles and criteria vis-a-vis the negotiable clusters in the intergovernmental negotiations" should be achieved first. Moreover, Africa too prefers the second revision of the negotiations text that "should remain intact."
- The UfC wrote on that same day that "only Revision 2 reflects all positions and proposals as put forward by Member States up to this stage." The UfC stressed that an "elected Security Council" and addressing all five issues in a comprehensive way was the only way forward.
- The G4 wrote on 10 January 2013 that "an overwhelming majority of Member States" agree that we have to move to real negotiations on comprehensive Security Council reform at the earliest. The G4 clearly endorsed Tanin's recommendation to produce a concise working document and the idea of holding a high-level meeting on Security Council reform and it seemed to interpret the oral decision cited earlier as an endorsement. The G4 did not refer to Revision 3.

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<sup>69</sup> For a copy, see [www.un.org/en/ga/president/67/letters/pdf/Security%20Council%20Reform%20-%20Chair%20letter%20-%202017%20January%202013.pdf](http://www.un.org/en/ga/president/67/letters/pdf/Security%20Council%20Reform%20-%20Chair%20letter%20-%202017%20January%202013.pdf).

Tanin apparently had hoped to hold a meeting at the end of January 2013 but PGA Jeremić, according to some sources, did not agree.

*Ninth Round*

When the intergovernmental negotiations finally did resume, on 16 and 17 April 2013, Tanin's proposals for a concise working document and high-level meeting clearly did not receive a high level of support. The C10, UfC, China, Russian Federation, and the US all spoke out against a concise text.<sup>70</sup> Some insiders wondered if Tanin would throw in the towel. However, in an interview with the Center, Tanin explained that from his perspective, some UfC members had sounded quite nuanced at the meeting and that in his opinion the proposal for a concise text remains on the table.<sup>71</sup>

Disagreements between Jeremić and Tanin continued about how and when to proceed. Tanin wanted to organize two more meetings during the 67th Session and wrote to the PGA about his plans in May 2013.<sup>72</sup> According to one insider, he copied one of his letters to the PGA to all Member States because he did not receive a response. Subsequently, Jeremić decided to chair the next meeting of 27 June 2013 himself. In his opening statement, the PGA explained that there was a divergence of opinions about how to proceed. Indicating his displeasure with Tanin, he said: "The situation was unfortunately further complicated by an attempt to schedule two additional meetings at once without having first secured agreement on each of the topics to be discussed."

At the meeting of 27 June 2013 – Tanin was not present<sup>73</sup> – Member States did not send a strong message about what they would like to see happen next.<sup>74</sup>

The PGA circulated a draft oral decision<sup>75</sup> on 14 August 2013. This one page draft proposes:

... to immediately continue intergovernmental negotiations on Security Council reform in informal plenary of the General Assembly at its sixty-eighth session ... building on the informal meetings held during its sixty-seventh session, as well as the positions of and proposals made by Member States, while welcoming the active engagement, initiatives and intensive efforts of the President of the General Assembly, and taking note of the previous proposals of the Chair of the intergovernmental negotiations, and noting with appreciation his active role and concrete efforts, including the preparation of the text reflecting the positions of and proposals submitted by Member States, with a view to an early comprehensive reform of the Security Council.

This oral decision was not amended and was adopted in a plenary meeting on 29 August 2013. The 68th session started on 23 September 2013.

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<sup>70</sup> See [www.centerforunreform.org/node/496](http://www.centerforunreform.org/node/496).

<sup>71</sup> That so many UfC members spoke at this meeting could have been intended to preempt overviews of meetings from the Chair stating that "a majority of Member States taking the floor" favored a particular position.

<sup>72</sup> See [www.centerforunreform.org/node/501](http://www.centerforunreform.org/node/501).

<sup>73</sup> According to the PGA, Tanin was invited as Chair, but Tanin has publicly denied this in a press report. See <http://www.globalpost.com/dispatch/news/kyodo-news-international/130627/chairs-absence-at-key-un-council-reform-meeting-sparks>. PGA Deiss too had chaired a meeting himself, but Tanin was sitting on the dies with the PGA.

<sup>74</sup> The PGA then organized a small meeting with representatives from key groupings and the P5, plus the Chair. Such a meeting seems to go against the notion of transparency that both the PGA and Chair have often championed.

<sup>75</sup> To have oral decisions that are circulated and agreed on before the plenary meeting where the continuation of the intergovernmental negotiations have to be approved probably stem from the fact that such plenary meetings in the 61st and 62nd sessions were very chaotic and contentious, as described earlier.



## 2. KEY GROUPINGS OF MEMBER STATES

The most active groupings involved in the reform process during the last six years are: the African Group, the G4, the L69 – all in favor of expansion with additional permanent seats – and the UfC, a group that is strongly opposed to the creation of such seats. The G4 as a group has long been willing to be flexible in regards to the right of veto, at least for now, which arguably would make such seats a subcategory of existing permanent seats, or add a new permanent category all together. More recently, CARICOM and the Pacific SIDS (Small Island Developing States)<sup>76</sup> have become more active also, allying themselves with the current position of the L69, which advocates a dedicated non-permanent seat for small island developing states across all regions. This proposal obviously clashes with Article 23(1) of the UN Charter’s language about equitable regional representation and non-permanent membership.

### **African Group**

With its 54 Member States, the African Group’s position is a very powerful one provided its members are united. Although the African Group has expressed a common position for a long time, a number of African States are known to pursue separate strategies – both openly and behind the scenes – suggesting that divisions similar to those in other regions exist within the group.

The arguments for new permanent membership for Africa are well-known: it is the only continent without a permanent seat, considered “a historical injustice” and “undemocratic,” especially since approximately three fourths of the workload of the Security Council involves situations in Africa.<sup>77</sup>

The common position of the African Group has only changed slightly over time. In 1997, Heads of State of the Organization of African Unity – the predecessor of the African Union (AU) – agreed in Harare to expansion of the membership of the Security Council to 26, including seven seats for the African region: two permanent seats with the right of veto, to be elected by Africa, and a total of five non-permanent African members. The current Ezulwini Consensus differs from the 1997 Harare Declaration inasmuch as the latter provided that the two permanent seats would be “allotted ... in accordance with a system of rotation.” This demand for rotation to fill the permanent seats – which obviously clashes with the existing concept of permanency for individual Member States – was discarded in 2005 when the Ezulwini Consensus was adopted. (See Appendix I.)

The Ezulwini Consensus has been reconfirmed at many AU meetings since 2005. A number of sources have asserted that the Ezulwini Consensus was “orchestrated” by China, probably in an attempt to slow down Security Council reform; a claim that some African diplomats find highly insulting. It is noteworthy that China does not seem to favor the creation of new permanent seats, although it often mentions Africa as a group that especially deserves to benefit from a reformed Council.

In 2005, the G4 tried to convince Africa to be more flexible and abandon its call for veto rights for new permanent members. At first it looked like some African countries were willing to consider this. Nigerian President Olusegun Obasanjo, for instance, even made a speech in this regard at an AU summit, while South African President Thabo Mbeki made the same case more quietly.<sup>78</sup> Apparently, Algeria and Egypt

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<sup>76</sup> Fiji, Federated States of Micronesia, Marshall Islands, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu.

<sup>77</sup> See [www.centerforunreform.org/node/481](http://www.centerforunreform.org/node/481), statement of Sierra Leone. Arguably, Latin America is similarly unrepresented though technically on the same continent as the US, a permanent member.

<sup>78</sup> [www.memoireonline.com/02/11/4260/m\\_The-UN-security-council-reforms-myth-or-reality-an-african-analysis0.html](http://www.memoireonline.com/02/11/4260/m_The-UN-security-council-reforms-myth-or-reality-an-african-analysis0.html).

in particular, opposed this move. President Mugabe from Zimbabwe then proposed that a Committee of 10 (C10) be the focal point for Security Council reform. The C10 was formed and represents the five African regions: two members each from West Africa, East Africa, Southern Africa, Central Africa, and North Africa. Algeria, the Democratic Republic of Congo, Equatorial Guinea, Kenya, Libya, Namibia, Senegal, Sierra Leone, Uganda, and Zambia are C10 members, with Sierra Leone serving as its Chair. The C10 has the authority to explore alliances with other groups.

Statements from the C10 on Security Council reform often refer to both the Ezulwini Consensus and the July 2005 Sirte Declaration and resolution. (See Appendix I.) The resolution referred to in the Sirte Declaration does not specifically mention the selection of Africa's two proposed permanent members by the African Union. According to one source, the Sirte Declaration only garnered the support of 36 out of the 53 AU countries at the time, suggesting that if the G4 had managed a coalition with the African Group, it might not have received the support of all members of the AU.<sup>79</sup> Some insiders claim that the meeting in Sirte, Libya, was somewhat chaotic and that some decisions were made after a number of countries had already left the meeting.

At present, the official position of the African Group on the right of veto is that it should be abolished. However, as long as it exists, new permanent members should get veto powers as well. The group has also stated that it would not consider the option of obtaining veto rights at a later time, after a review process for instance.

One African diplomat indicated a few years ago that "Security Council members from our region will not be selected by themselves, a matter of accountability." However, to our knowledge, the African Union has thus far not formulated any criteria or procedures for the selection of its proposed two permanent members. Sources indicate that six to seven African countries are actively vying for the seats, with Egypt, Nigeria and South Africa the most active among them during the negotiations at the UN. As the current Security Council reform negotiations have not reached a stage of actual give-and-take, Africa has apparently not felt the need to sort out this thorny issue. A complicating factor is that as the Security Council reform negotiations continue at the UN, they could potentially

*"Security Council members from our region will not be selected by themselves, a matter of accountability."*  
African diplomat, 2011

include discussions on criteria or election procedures that might clash with those agreed to by the African Group. "It is all about timing," according to one African insider. Moreover, there is always the possibility of a significant number of UN Member States favoring only one new permanent member with the right of veto for Africa;<sup>80</sup> or Africa insisting on more than two new Permanent seats,<sup>81</sup> or other models of expansion.

That Africa should be better represented on the Security Council has not been contested by any other grouping, but endorsement of all AU positions was rare until the L69 group presented its 2012 proposal and circulated (but not widely) a draft resolution. However, Australia, a few countries from Latin America

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<sup>79</sup> [www.idsa.in/event/UnderstandingAfricasPositionontheUNSecurityCouncilReform](http://www.idsa.in/event/UnderstandingAfricasPositionontheUNSecurityCouncilReform).

<sup>80</sup> For instance, in 2007, it says in the annex of the first facilitators' report that: Permanent Members themselves did not rule out extending the veto, depending on the number of prospective new permanent members and which those would be. Their position ranged from offering qualified support to the G4 draft resolution (the one of 2005, which excludes veto power for new permanent seats), to being ready to add one or two new members to the P5 group and to extending the veto to a representative from a region currently without it.

<sup>81</sup> The permanent representative from Egypt stated in 2012 that the African Group might ask for more than 2 permanent seats "if other regions smaller in number are getting more seats than their ratio of representation in numbers that would include the current permanent members and the new permanent members." See [www.centerforunreform.org/node/470](http://www.centerforunreform.org/node/470).

and the Caribbean, and some European countries who have indicated support for adding new permanent seats, have said in the past that they could not vote for a specific resolution on such seats if veto rights are included. With so many situations before the Security Council concerning Africa, some fear that giving veto rights to Africa would be used to prevent Security Council action in the African region. One African diplomat expressed the opinion that such thinking suggests a knee-jerk reaction, typical of prejudice, as if African countries would not take their responsibilities towards peace and security seriously when participating as a permanent member of the Security Council.

The African Group's unity, as was noted in the previous section, has experienced a number of cracks. Nine African countries supported the original L69 resolution of 2007 (Benin, Burundi, Cape Verde, Liberia, Mauritius, Nigeria, Rwanda, Seychelles, and South Africa); and more than 30 African Member States endorsed the 2009 letter to Tanin supporting the creation of a negotiation text, indicating that members of the African Group do not always act in unison on matters related to Security Council reform. And in the Fourth Round of negotiations in 2009, Nigeria and South Africa still seemed willing to be flexible about obtaining veto rights. South Africa is strongly allied with Brazil and India in the IBSA group, and Nigeria has apparently felt left out, and according to one African source, has at times been charting out its own course. Moreover, in private, many African countries have indicated to the Center throughout the years that they will exercise their sovereign rights during the negotiations when they feel the need to do so.

A possible convergence between the African Group and the L69 became obvious in 2012 after L69 came with its proposal to extend veto rights to new permanent members. For instance, in a statement on 13 March 2012, the coordinator of the C10 at the UN in New York, Ambassador Shekou Touray of Sierra Leone, said: "Our engagement and consultations with the L69 has the potential of heading towards the direction of a common platform when fully crystallized ..." The L69 was the only group other than the African Group at the time that was willing to extend veto rights to new permanent seats. More recently, CARICOM has proposed a very similar resolution to the 2012 draft resolution of the L69. (See Appendix VIII.) When the L69 presented its proposal during the Intergovernmental Negotiations in March 2012, the group said that it consisted of 41 members. Apparently, 14 of these 41 Member States are from Africa.<sup>82</sup>

*"Our engagement and consultations with the L69 has the potential of heading towards the direction of a common platform when fully crystallized ..."*

Amb. Shekou Touray  
on behalf of the C10, 2012

At the latest AU Summit on 28 January 2013 in Addis Ababa, the Coordinator of the C10, Sierra Leone President Ernest Bai Koroma delivered a speech in which he mentioned the L69 initiative as a "positive development." The C10, President Koroma explained, will hold meetings of Permanent Representatives to the UN in New York and the AU in Addis Ababa in preparation for the 2013 May AU Summit. It seems clear that no major decision on SC reform from Africa should be expected any time soon based on President Koroma's statement that in addition to meetings at the level of foreign ministers, "it is envisaged that these preparatory meetings will be of added value to the high-level meeting of C10 Heads of State and Government before our Summit in January 2014."

The C10's meeting of Foreign Ministers took place in Sierra Leone in March 2013. Asked whether Africa as a whole would not have to endorse the C10's recommendations in January 2014, a key African player recently told the Center that such a distinction between the C10 and the African Group is not relevant because the C10 represents all five African regions and has a clear mandate.

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<sup>82</sup> See "Forging a New Horse Shoe," by Hardeep S. Puri, *The Hindi*, 3/5/2013

One problem with the L69 resolution from the African perspective may be that the resolution includes promises of representation for small island and other small states; with similar promises to other groups of developing countries likely to be made in the future in order to gain sufficient support. Such accommodations may be difficult to square with the African position of a maximum of 26 Security Council seats – although one diplomat has said Africa would not have problems with a considerably larger Council.

#### **Group of 4**

The G4 (Brazil, Germany, India, and Japan) has undoubtedly been pushing the hardest for reform of the Security Council during the last six years, in particular for the addition of permanent seats for themselves. These countries believe that only structural change will bring about a more efficient, effective and representative Security Council because as permanent members their countries would be uniquely able to strengthen the Council based on financial, military, geographical, and/or political grounds. Moreover, as one G4 member suggested in an interview, the P5 would probably prefer to deal with “peers” rather than an ever changing group of states with long-term seats which could even include “rogue” countries.

The argument that as new permanent members they would be able to dilute the often questioned, and much resented, power of the Permanent Five is regularly heard as well. Based on their record as non-permanent members of the Security Council more recently, one insider claims, this may not actually turn out to be the case. However, during their latest stints as non-permanent members on the Security Council – when they must have been fully aware of the potentially opposing perspectives that their performances could inspire from almost 190 Member States that have the power to either support or thwart their aspirations – their styles could have been cramped at times, or caused them to overplay positions.<sup>83</sup>

During the Intergovernmental Negotiations, a specific set of criteria for new permanent members has to date not been under discussion, to our best knowledge. It is noteworthy that the UN Charter, Article 23(1), stipulates that the contribution to the maintenance of international peace and security and to the other purposes of the UN, and equitable geographical distribution, are criteria for non-permanent seats but does not delve into the rationale for permanency. Barring the occurrence of another world war with clear aggressors and victors, as one insider noted rather facetiously, the criteria and conditions used to appoint the Permanent Five cannot easily be repeated. And if criteria were agreed to, wouldn't there be calls sooner or later to have them applied to the existing permanent members as well?<sup>84</sup>

Arguably, some countries that could be considered very impressive now, may not continue to be so in the future. Today's economic powerhouses might lose their advantages; large countries could break up into smaller ones; democracies could slide into autocracies; currently peaceful nations could turn into aggressors. One argument some diplomats make against adding new permanent seats is the likelihood that it would be politically difficult to remove such an elite status later on even if a review process was put in place to deal with such eventualities.<sup>85</sup>

As was explained in the previous chapter, each of the Member States that is currently seeking a permanent seat faces opposition from within its own region and, according to one source, even “cross-regional vetoes” as well due to the UfC.

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<sup>83</sup> See, for instance, an interpretation of India's behavior in this regard at <http://pragati.nationalinterest.in/2013/02/indias-big-bet-at-the-un/>.

<sup>84</sup> The latter observation was, for instance, mentioned by Egypt. See [www.centerforunreform.org/node/468](http://www.centerforunreform.org/node/468).

<sup>85</sup> See Jonas von Freiesleben analysis on transitional models at [www.centerforunreform.org/node/357](http://www.centerforunreform.org/node/357).

The G4 seems to feel that the legitimacy of their claims is confirmed by the presumed majorities that favor new permanent seats. On the surface, the two-thirds requirement of 129 votes needed in a formal plenary meeting of the GA to add new permanent seats does not seem impossible to reach, but when all the negotiables (especially including veto rights, as well as regional representation, and the size of the Council) are taken into account simultaneously, sufficient majorities are by no means a given.

It is noteworthy that the short 2011 G4 resolution – presumably meant to be a straw vote on adding permanent seats, without other negotiables included – garnered nearly 80 written endorsements by 2012. Impressive, but well short of the two-thirds majority of UN Member States. The lack of specificity in this resolution may have undermined its support because the thorny issue of including veto rights was avoided, as was the listing of specific countries to be considered to fill these seats. In addition, having votes at this time in the intergovernmental negotiations is seen by some as premature, while others believe that votes should not be allowed altogether in this process while meetings take place in an informal plenary. (See the previous section for more details on decision 62/557.)

The G4 resolution was not brought to a vote and many insiders presumed that it clearly had not garnered sufficient support to pass. However, one G4 member contended it was not brought to a vote because it was “just to create momentum” and that “the P5 would have come down on it really hard.”<sup>86</sup> It was nevertheless a good idea, this source added, to circulate the draft resolution because: “You know you have hit the right spot when China starts demarching.”

*“You know you have hit the right spot when China starts demarching.”*  
- G4 diplomat

Some neutral Member States, and even some G4 supporters, recently suggested that it would have been better if a vote had taken place, because if it had failed, it could have at least paved the way for creating compromise models.

Members of the G4 have shown signs of flexibility. The G4 has agreed to forgo the extension of veto rights to new permanent seats, at least for now. But both Brazil and India are nevertheless supporting the recent L69 proposal which, obviously appeasing the African Group, does include this privilege for new permanent members. So far, L69 is a coalition of developing countries and its chance of success is unclear even if all 54 members of the African Union would endorse it because a number of developing countries support the stances of the UfC.

Whether Japan and Germany might eventually end up joining the L69 bandwagon if it were to gather sufficient steam is an interesting question, but, unsurprisingly, key players were not keen to speculate on it.

As to the intermediary model, Germany and Japan have indicated that they are willing to discuss it, though they have also publicly stated that they see such a model as a way of obtaining permanency at a later time, after a review for instance. Brazil has often stated in the past that not adding permanent seats for developing countries would be unacceptable as it would continue the current North-South imbalance in the permanent member category. More recently, it has sent signals that it might consider an intermediary model depending on such key provisions as the duration of terms and ability to seek re-election.

India, however, has tended to dismiss intermediary models rather vehemently and consistently, although it did make some moves in this direction in late 2012 that caused some confusion. Apparently, India had

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<sup>86</sup> This explanation somewhat clashes with the fact that the G4 sought written endorsements, which must have taken considerable time and effort.

approached some countries asking them to advance the intermediary model by drafting a resolution to this effect, promising they could “deliver the L69 Group.” The main source for this move, however, said that India later admitted not being serious about the intermediary model and instead really hoped that such an effort would not succeed and thereby finally “wipe the intermediary model off the table.”

One UfC source claims that the short 2011 resolution of the G4 on creating new permanent members was accompanied by rather “pushy” and misleading lobbying; an assertion that was partially confirmed by other (non-UfC) sources saying that some countries felt “bullied” to sign on, with one of these noting that one P5 member was urging them to do the opposite. As to misleading countries while seeking their support, one G4 member allegedly would turn up at UN Missions late in the day, claiming that they required only one more vote. African countries were promised the veto, while others were told that such powers would not be sought, in line with the G4 position.<sup>87</sup>

The G4 still seems to believe that the roadblocks are foremost an issue of process and that “baby-steps” are feasible. It has suggested that a shorter text and a high-level meeting could move the process along. A high-level meeting in 2015, at the 10th anniversary of the 2005 World Summit and the 70th anniversary of the UN, the group believes, could increase participation and clarity from capitals.<sup>88</sup> The Chair of the negotiations, Ambassador Zahir Tanin, appeared to think along similar lines in his July 2012 letter.

However, the African Group and the UfC are strongly against such moves.

*India and Brazil are not only part of the G4 quartet, but also members of the L69 orchestra, conducted by India.*

While one G4 diplomat said that the geographical diversity amongst its members is one of its key strengths, it is remarkable that India and Brazil are not only part of the G4 quartet, but also members of the L69 orchestra, conducted by India. How they are able to play these roles simultaneously is very puzzling to outsiders. Asked about its participation in two groups that clearly pursue different strategies, one G4 diplomat recently told the Center that the 2012 draft L69 resolution – which includes veto rights for new permanent seats – was just meant “to create momentum.”

One key player in the African Group sees the L69/CARICOM resolutions in a different light, telling the Center: “Other countries have now joined the positions of the African Group.” From his perspective, Africa’s position now enjoys the highest level of support.

## L69

A/61/L69 was a draft resolution from the 61<sup>st</sup> Session calling for intergovernmental negotiations to start. (L stands for limited distribution, 69 is the number allocated by the UN’s conference services.) At the time, the resolution was also known as the “India resolution.” Although it was withdrawn – some delegates thought it was just an effort to “stir the pot” – it undoubtedly contributed to the decision to start such negotiations.

The sponsors of the 2007 draft resolution were: Barbados, Benin, Bhutan, Brazil, Burundi, Cape Verde, Fiji, Grenada, Guyana, Haiti, India, Jamaica, Liberia, Mauritius, Nauru, Nigeria, Palau, Papua New Guinea, Rwanda, Saint Vincent and the Grenadines, Seychelles, Solomon Islands, South Africa, Tuvalu, and Vanuatu.

<sup>87</sup> One G4 source indicated that such allegations should not be taken seriously when coming from a UfC diplomat.

<sup>88</sup> The G4 claims that in 2005, it had 100 countries endorsing its position, not including any African countries. Another venue might also be a way to bypass decision 62/557.

From 2008 onwards, the L69 Group slowly became more active as a coalition from the South, with India and St. Vincent and the Grenadines<sup>89</sup> acting as its focal points. L69 likes to point out that it is the only group in the ongoing negotiations that has been growing. In June 2011, when Tanin met with the group at the Indian mission, it had apparently garnered the interest of 40 countries.<sup>90</sup> According to India's former Permanent Representative to the UN, Ambassador Hardeep S. Puri, 14 of these countries are from Africa.

Apart from calling for "immediate steps to facilitate results-oriented intergovernmental negotiations," the 2007 L69 resolution also hoped "to adopt an outcome, preferably before the end of 2007." It contained the following elements:

- Expansion in both permanent and non-permanent categories.
- Greater representation of the developing countries, including island and small States.
- Representation of the developed countries and those with transition economies reflective of contemporary realities.
- Comprehensive improvement in the working methods of the Security Council.
- Equitable geographical distribution.
- Provision for a review.

Some aspirants for permanent seats from the global South – Brazil, India, Nigeria, and South Africa – had evidently recruited the support of small and island states from the developing world by promising them better representation in the Security Council. (The Italy/Colombia proposal makes similar accommodations, see the paragraphs below on the UfC group.)

In 2012, L69 drafted a resolution<sup>91</sup> (which was not widely distributed) aimed at adding the African Group to its bloc by promising veto powers to new permanent members. Its operative part on expansion reads:

That additional seats be elected by the General Assembly as follows:

- a) Two permanent seats and two non-permanent seats for African States with the African Group being responsible for the nomination of Africa's representatives.
- b) Two permanent seats and one non-permanent seat for Asian States.
- c) One non-permanent seats for Eastern European States.
- d) One permanent seat and one non-permanent seat for Latin American and Caribbean States.
- e) One permanent seat for Western European and other States.
- f) One non-permanent seat for small island developing states across all regions.

On 25 February 2013, a very similar resolution was circulated by CARICOM.<sup>92</sup> According to the cover letter, the latter resolution was sent to the Chair of the negotiations, Amb. Zahir Tanin of Afghanistan, and also distributed to all members of the L69 and African Groups. The members of CARICOM are: Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat (which is not a UN Member State), Saint Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago. Some of these countries were already allied with the L69.

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<sup>89</sup> The Permanent Representative of St. Vincent and the Grenadines is leaving in the summer of 2013 and is expected to be replaced by another Ambassador of a small island state.

<sup>90</sup> See Tanin's 29 December 2011 letter to Member States which refers to a letter from the L69 dated 17 June 2011 on page 22: "We are writing this letter in pursuance of the meeting that you had at the Indian Mission with the 40 Member L69 Group on 15 June 2011 on UN Security Council Reform."

<sup>91</sup> See Appendix VIII.

<sup>92</sup> See Appendix VIII.

More recently, the Pacific SIDS have expressed support for L69. Its 10 members are: Fiji, Federated States of Micronesia, Marshall Islands, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

Developing countries, when united, could narrowly meet a majority of 129 countries. The Group of 77 (G77), for instance, comprises 132 UN Member States, but even when it seems to agree on issues, there often are a large number of countries that are absent during votes. The G77, it should be noted, mainly focuses on issues of development. The bloc of developing countries that does deal with peace and security issues, the Non-Aligned Movement (NAM), is smaller, comprising 120 Member States, but in 2005 it only had reportedly some 40 countries uniting around a NAM position on Security Council reform.

It is worth noting that a number of developing countries opposes new permanent seats: Argentina, Colombia, Costa Rica, Indonesia, Pakistan, and Turkey among others. All in all, getting a two-thirds majority of developing countries on this issue should not be very easy to bring about, although precise and increasing information about demarches from some P5 members could rally developing countries around the notion that they continue to be marginalized at the UN, creating more cohesion among them. Some insiders believe that it is significant that the new PGA,<sup>93</sup> Ambassador John Ashe from Antigua and Barbuda, is from a CARICOM country that is closely aligned with the L69 and that he was Chair of the Fifth Committee when the G77 challenged an understanding of 20 years that decisions on the budget be decided by “broadest possible agreement.”<sup>94</sup>

A UfC source claims that the 2012 L69 draft resolution was a “bluff” and that even some of its core supporters at this time don’t agree to giving veto rights to new permanent members. When the L69 explained its proposal at a meeting on 13 March 2012, Jamaica mentioned the support of 80 countries, though the statement of the group was not totally clear whether this referred to a separate group of endorsers from that of the G4. Many diplomats at the time felt that the L69 had “appropriated” the 80 supporters of the G4 group. The lists of the G4 and L69 were not made public so it is hard to gauge where the L69 proposal stands at this time in terms of support besides the 40 countries mentioned earlier plus the small island states from CARICOM and Pacific SIDS that were not yet aligned with the L69 before 2013.

The originators of the 2007 L69 draft resolution still seem to enjoy reminding Member States that they succeeded in pushing for intergovernmental negotiations. However, counter pushes have been nearly as effective, leading one diplomat to observe: “membership-driven means membership-blocked negotiations.”

Because some key groupings on Security Council enjoy cross-regional membership, such as the G4 and UfC, the North-South divide has not seemed to be foremost on diplomats’ minds during the last 20 years of Security Council reform deliberations. The L69 resolution – if it indeed gains more supporters – would undoubtedly change that, possibly hardening stances, and even tempting some Northern allies of the G4 to withdraw their support for new permanent seats.

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<sup>93</sup> The formal election (by acclamation) took place in June 2013. PGA’s are selected on the basis of regional rotation: a region elects the particular Member State and the chosen State picks the particular individual. This time it was Latin America and the Caribbean’s turn.

<sup>94</sup> See the chapter on the Fifth Committee in the Center’s 2011 publication on the Group of 77 at [www.centerforunreform.org/node/437](http://www.centerforunreform.org/node/437).



## Uniting for Consensus

The known membership of the Uniting for Consensus (UfC) grouping has varied over the years. Its predecessor was known as the Coffee Club and in early 2005 it consisted of: Argentina, Colombia, Mexico, Kenya, Algeria, Italy, Spain, Pakistan and South Korea. The sponsors of its draft resolution of 21 July 2005, however, listed Argentina, Canada, Colombia, Costa Rica, Italy, Malta, Mexico, Pakistan, Republic of Korea, San Marino, Spain and Turkey, and this latter group of countries appears to have remained the core membership of UfC.

According to Jonas von Freiesleben (see chapter 1), Ghana, Morocco, United Arab Emirates, and Qatar, have also been active in the group in the past but have not publicly done so more recently. Because of the Ezulwini Consensus, African countries had to officially distance themselves from the UfC, and although the grouping apparently does have sympathizers in Africa, its actual number is hard to gauge.

A key source in the UfC indicated that more than 30 countries have expressed support for the UfC and its stances throughout the years. China is an active participant during meetings at the expert level, and Indonesia attends these meetings as well.

What has united the group since its beginning has been strong opposition to new permanent seats and in 2005 it proposed adding twenty elected non-permanent seats instead (A/59/L.68). As is described in section 1, the UfC has often focussed on the need for consensus and a process that reflects this; its opposition to take-it-or-leave-it proposals and votes in this regard; its resistance to artificial deadlines; the interlinkages between the five negotiables and the need to agree on these simultaneously; regional representation; and democratic principles such as elections leading to more accountability.

Because its position is often seen as being centered on what it is against – new permanent members – it has often been accused of being “spoilers.” Since 2009, however, the Colombia/Italy proposal (which curiously has been called the Italy/Colombia proposal since 2010 instead) sought an intermediary solution which is rather complex and includes:

- Longer term seats allocated to regional groups (Africa, Asia, Asia/Africa (on rotational basis), GRULAC, WEOGG/EEG (on rotational basis), with either terms of 3-5 years with the possibility of re-election or 2 years with the possibility of up to two immediate re-elections.
- Regular non permanent seats without the possibility of immediate re-election for Small States with special accommodations for small states (population below 1 million) and medium-sized states (population between 1 and 10 million), Africa, Asia, GRULAC, and EEG.
- Arrangements for representation on the seats, including re-election and rotation, should be decided by the respective regional groups. (For a full version, see Appendix VI.)

There are indications that not all core UfC members agreed to the Colombia/Italy proposal in the beginning, but because of the need to keep the coalition together, their alleged differences were not made public. By March 2012, however, when the proposal was presented again during the intergovernmental negotiations, it did come from the UfC as a group. Recently, according to a report of the UN Department of Public Information: “Pakistan now supported the proposal of Uniting for Consensus for long-term seats.”<sup>95</sup>

Interestingly, however, Mexico offered an amendment to the Italy/Columbia proposal in May 2011 suggesting a term of 8-10 years for intermediary seats. Whether the UfC is willing to accept such a long

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<sup>95</sup> <http://www.un.org/News/Press/docs//2012/ga11313.doc.htm>.

term as their common position is unclear and without actual negotiations on the intermediary model, the group probably will not feel a need to do so any time soon.

In spite of its compromise proposal, the UfC has not given up on just expanding the Council with non-permanent members. On 2 March 2010, Canada and Mexico sent Tanin a copy of A/59/L.68 saying that “this resolution remains our original position and we would like to see it reflected in the document you are producing.” To prevent the suggestion that they did not support the Colombia/Italy proposal they added: Canada and Mexico ... are supportive of the compromise platform put forward by Colombia and Italy. (A/64/CRP.1)

The G4 believes that the UfC should be more flexible as its positions are “those of a minority.” For one insider, such a comment suggests that, as new permanent members, they “would just be as arrogant as the P5.” Others believe that if a solution were to end up with one-third of the UN membership strongly against it, the legitimacy of the outcome would be questionable and at risk of P5 members not ratifying it. This opinion is apparently shared by the P5 (see Section 3).

*“Maybe Uniting for Consensus should rename itself again, becoming ‘United for Compromise’ instead.”*

- diplomat, 2012

The UfC may have shown some flexibility by producing its compromise proposal of longer-term and renewable seats. But in regard to process, as the first section of this chapter abundantly shows, the group seems to block any new initiative in such an immediate and intense manner that it has been running the risk of no longer being consulted by other players exploring new initiatives.<sup>96</sup> If the group were to insist on an interpretation of consensus that gave every UN Member State a veto in this process, as some have noted, this would certainly clash with their calls for democratic principles in regard to

expansion of the Security Council. One UfC source indicated, however, that it promotes “the broadest consensus possible.”

### 3. THE ROLE OF THE PERMANENT FIVE

The Permanent Five (China, France, Russian Federation, United Kingdom, and the United States) are widely assumed to be happy with the slow progress of negotiations and the continuation of the status quo. Publicly, however, all claim to favor a reformed Security Council to better reflect contemporary realities and to become more representative of the UN membership as a whole. But when it comes to such specifics as which countries should be given new permanent or intermediary seats, they tend to differ in their views.

One insider has suggested that the diversity among P5 positions on Security Council Reform might be intentional, designed to slow the process down by making it even harder for the other Member States to formulate solutions. However, one G4 diplomat presumes that when there is significant progress during the reform process, the P5 will formulate a common position, saying, “When push comes to shove, the P5 will act together.”

The April 2007 facilitators’ report provided an interesting account of the positions of the Permanent Five towards Security Council reform in regard to the veto, suggesting that there may be more flexibility among some P5 members about extending veto rights than is often assumed, although there clearly is near unanimity among them against limiting the veto:

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<sup>96</sup> For instance, UfC was reportedly not approached about the December 2009 letter that led to the creation of a negotiation document.

- Permanent Members themselves did not rule out extending the veto, depending on the number of prospective new permanent members and which those would be. Their position ranged from offering qualified support for the G4 draft resolution (the one of 2005) to being ready to add one or two new members to the P5 group and to extending the veto to a representative from a region currently without it.
- It (the veto) is considered inherently different from other elements discussed in the reform process, as it is the result of a political understanding that pre-existed the Charter and thus could not be reformed by the wider membership.
- Permanent Members alluded to the limits of what could be agreed vis-a-vis the veto. “Its abolition or modification would not be ratifiable through Charter amendments.” The permanent members clearly see changes to the veto to be the “exclusive competence of the Security Council,” nor should there be a need for explanation of the veto.

The report of PGA Kerim’s Task Force of June 2008 provides the following summary regarding P5 positions on Security Council Reform at the time:

- France and the United Kingdom support the candidacies of Germany, Brazil, India and Japan for permanent representation as well as for Africa on the Council.
- France and the UK would also consider an intermediate solution, including a new category of seats, with a longer term than those of elected members and those terms would be renewable. At the end of an initial phase, it could be decided to turn these new types of seats into permanent ones.
- All P5 members have stated that the formula for expansion should be based on a wide agreement and should not be divisive. China stressed the notion that any reform on the Council must be based on a serious compromise. The Russian Federation stated that it appreciated Germany’s commitment looking for compromise solutions in this respect that would not cause division within the organization. And the United States had stated that no significant portion of the membership [should be] alienated by the result of reform.
- China supports greater participation by small and developing countries in an enlarged Security Council.
- Some P5 members have insisted that Security Council expansion must be realistic or modest in size. The US feels that only a modest expansion will ensure the Council’s effectiveness.
- Some P5 Members have underlined the importance of the qualifications contained in Article 23 paragraph 1 of the UN Charter for countries wishing to become members of the Council. The United States believes that candidates for the longer-duration, whether intermediate seats or permanent members, must demonstrate a higher level of global leadership; at the same time, it has insisted that any reform of the Council must be accompanied by increased effectiveness of the entire UN System.
- Some P5 members feel strongly that working methods of the Security Council is a matter that should be addressed by the Council itself as a principal organ of the United Nations. And P5 Members have reaffirmed their opposition to any Security Council reform that would “tamper” with the veto right of permanent members of the Council.

Since 2008, China has considered various proposals – such as the 2011 G4 resolution – as “immature” and as far as process is concerned, China believes that a comprehensive package needs to be adopted. As to expansion of the Security Council, China has mostly expressed support for Africa but has not delved into specifics and it is presumed to oppose new permanent seats for Japan and India. China takes an active part in expert meetings of the UfC.<sup>97</sup>

France and the United Kingdom are open to adding new permanent seats for the G4 and Africa and are also willing to consider intermediary models when this could lead to permanency at a later time. They do not favor extending veto rights to new permanent seats, however.

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<sup>97</sup> One observer suggested that such participation could be just an attempt to “cover all bases.”

Russia has recently – though not officially during the negotiations – endorsed Brazil and India as new permanent members but has not mentioned veto powers. It believes in the effectiveness of a smaller body, in the low 20s. The Russian Federation recently indicated that it would consider an interim model.

The United States is willing to consider a modest expansion with both new permanent (without veto rights) and non-permanent members, and has expressed warm support for Japan, and on occasion also for India and Brazil, though not consistently. It has said in the past that permanency should be based on a country's contribution to global peace and democracy rather than size. However, permanency should be “country-specific” – a clear message to Africa to be clearer about who its two candidates for permanent seats would be. The previous insistence of the US that Security Council reform should be linked to progress on management reform is apparently no longer being pursued. As far as the Center could determine, the US has made no new or recent pronouncements on intermediary proposals.<sup>98</sup>

One NGO representative believes that because of their high levels of self-interest, the P5 should not engage in these negotiations too forcefully. Strategically it is unwise, he contends, considering the danger that demarches could backfire and unite significant sections of the UN membership against them and their interests – even beyond the arena of Security Council reform.

But increasingly, the P5 are accused of being the key actors hindering Security Council reform, allegedly including demarches by the P3. (P3: in this instance, P5 minus France and the UK.) Some of this sounds like convenient scapegoating in light of the fact that the rest of the membership has been unable to reach agreement. While, technically, the P5 can block any type of Security Council reform,<sup>99</sup> politically it would not be that easy to do, even for such a powerful group, in the face of near-consensus (less than full unanimity, but only a handful to a dozen Member State dissenters) on a comprehensive reform package. As one insider insisted – and as has been confirmed by the positions summarized above – a narrow two-thirds majority might not be sufficient to force the P5 to be flexible, with decision 62/557 providing a degree of legitimacy.

#### 4. THE ROLES OF THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE CHAIR OF THE INTERGOVERNMENTAL NEGOTIATIONS

When the deliberations on Security Council reform were still taking place in the Working Group, its annual Chairperson was the President of the General Assembly (PGA).<sup>100</sup> In those days, the PGA would often appoint Permanent Representatives as facilitators or vice-chairpersons to provide assistance.

Before the start of the Intergovernmental Negotiations, the Permanent Representative of Afghanistan, Zahir Tanin, was appointed to be the Chair of the negotiations by PGA Miguel d'Escoto Brockmann. This PGA referred to Tanin as “chair on my behalf.” Succeeding PGAs from the 64th to 67th Sessions of the General Assembly reappointed Tanin as “chair on my behalf,” though PGA Al-Nasser referred to Tanin as “facilitator” when communicating his appointment to Member States on 10 September 2010. Presumably, the role of a facilitator is seen as more modest than that of a chair. That Tanin has been

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<sup>98</sup> See page 4 of Chapter 1 (A/AC.247/1997/crp.1 & A/51/47, Annex II).

<sup>99</sup> Security Council reform that requires Charter change will need the ratification by two-thirds of UN Member States, including the P5 (Article 108).

<sup>100</sup> Recent PGAs were: 61st Session - Sheikha Haya Tashed Al-Khalifa from Bahrain; 62nd Session - Srgjan Kerim from the Former Yugoslav Republic of Macedonia; 63rd Session - Miguel d'Escoto Brockmann from Nicaragua; 64th Session - Dr. Ali Abdussalam Treki of Libya; 65th Session - Joseph Deiss from Switzerland; 66th Session - Nassir Abdulaziz Al-Nasser from Qatar. Vuk Jeremić from Serbia was PGA during the 67th Session.

reappointed four times in a row<sup>101</sup> is an obvious testament to his patience, skills, and dedication, though his image as an impartial chair has seen some erosion.

While PGAs obviously are best viewed as neutral during important negotiations, they are bound to entertain different approaches and priorities. PGA Ali Abdussalam Treki of Libya left the reform negotiations mostly to Tanin, apparently after having been made fully aware of the complexity of the issue by fellow North Africans.

His successor Joseph Deiss from Switzerland, whose top priority was global governance – with security council reform as one of its key aspects – took a more active role, chairing one meeting on the topic on 21 October 2010, after he had appointed Tanin, on how to move the process forward. By that time, the negotiations had become very slow-going and repetitive. Deiss also pronounced his opinion on procedural matters, as when he said at a UfC meeting in Rome in May 2011 that: “action should only be initiated at the time when either consensus is likely or considerably more than two-third of the membership will agree.” Tanin shared this point of view when he talked to the Center in 2010. More recently, he said that, because of decision 62/557, “technically” more than two-thirds of the membership is indeed required while meetings are held in informal plenary.

Deiss’ successor PGA Nassir Abdulaziz Al-Nasser of Qatar, like PGA Treki before him, was apparently more laid back, and in the words of one diplomat, “letting Tanin do his job.” This may be exemplified by the fact that Al-Nasser distributed the recommendations from Tanin in July 2012 that turned out to be rather controversial.

The PGA of the 67th Session, Vuk Jeremić of Serbia, appointed Tanin relatively late, in November 2012.<sup>102</sup> Rumors at the time suggested that Jeremić was very much under the influence of Russia, which had first expressed their reservations about the negotiation process to Tanin in 2011.<sup>103</sup> Perceptions that Jeremić attached much importance to the power of the Security Council’s permanent members was reinforced at a press conference on 3 October 2012. According to the DPI summary, when asked why the reform of the Security Council was not listed as a priority of his presidency, Jeremić said:

“we’re trying to be very pragmatic and realistic about what can be accomplished in the next 12 months.” “The General Assembly stands by the Security Council” and was ready to facilitate the discussion of reform as best as possible, he said. He personally believed that such reform was needed; however, “we need to adhere to the rules of the only system we have.” The Assembly, on its own, could not make a decision on that matter, he added.

Jeremić must have been informed by his predecessors on how contentious and slow-going the negotiations had been during their terms. When he informed Member States of Tanin’s reappointment on 9 November 2012, he wrote that he was “made aware of various concerns and divergent points of view on the different aspects of this complex and sensitive matter,” including the need for predictability and full transparency, and had therefore started his term with six weeks of consultations with Member States. It must indeed not be easy for a PGA – elected for a term of just one year – to reach the level of expertise that Tanin has acquired since he started in 2009.

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<sup>101</sup> After the World Summit, follow-up on key issues was usually allocated to multiple chairs/facilitators, often duos, representing both the North and the South. None of these lasted more than one Session.

<sup>102</sup> Dates of reappointments as conveyed to Member States were: 13 October 2009 (Treki); 1 October 2010 (Deiss); 10 September 2011 (El-Nasser); and 9 November 2012 (Jeremić).

<sup>103</sup> See the end of Section 1.

That Tanin had written in July 2012 that Member States might task the Chair with producing a concise working document – suggestions for a shorter text have regularly been made by the G4 – clearly upset the UfC more than ever, undermining Tanin’s oft-repeated stance of being “impartial to any of the positions, but partial to progress.” But even the UfC, as far as can be determined, is not proposing to have Tanin replaced and, as one insider remarked, the current thinking apparently is: “better the devil you know ...” It should be noted that the G4 had remarked in 2010 that the PGA should provide more leadership, suggesting impatience with Tanin. Undoubtedly, if a future PGA were to be

*The distribution of China and Russia’s letters undoubtedly contributed to the transparency of the negotiations, though it begs the question of why those from 2011 were not shared with the membership earlier.*

considered insufficiently impartial, some groups would make that immediately known in the meetings – or in the corridors when meetings are on hold.

Tanin made a huge contribution to the transparency of the negotiations when he circulated letters from China and the Russian Federation concerning their reservations about the process and Revision 3. These letters from 2011 and 2013 were transmitted to Member States in January 2013. Rumors about P5 members putting pressure on Tanin and PGAs had been flying since early 2011. The distribution of China and Russia’s letters undoubtedly contributed to the transparency of the negotiations, though it

begs the question of why those from 2011 were not shared with the membership earlier.

Especially impressive was that Tanin succeeded in having five meetings on group positions in 2012 which resulted in more clarity on specific positions and their levels of support, and the possibility of a convergence between L69 and the African Group. What each Member State, however, exactly supports remains to a large extent guesswork when all negotiables are taken into account.

As any Chair would, Tanin obviously wants to produce results, a commitment that may explain his overly positive assessments about the negotiations in his overviews. But, as Tanin commented to the Center in 2010: “I am not a magician.” He recently stated that the process has gone from “nowhere to somewhere.” However, the current negotiation/compilation text is very long and continuous to meet opposition. Tanin recognizes that without a real basis for negotiations, further meetings will likely consist of the restatement of well-known positions. As Tanin has thus far not been given a mandate to move the process along with a concise working document, the ball is now clearly in the court of Member States.

The new PGA is the experienced Ambassador John Ashe from Antigua and Barbuda (he was appointed Permanent Representative in 2004) and his neutrality will likely be as scrutinized and questioned as that of Vuk Jeremić. Antigua and Barbuda is part of CARICOM which came with a specific resolution on Security Council reform in February 2013. When the Center recently asked an Indian diplomat about Ambassador Ashe, he used an interesting pronoun when he remarked: “*We* will select somebody (as Chair) in September.”

## 5. COMPROMISE MODELS

Ideas for compromise models – such as creating a new category of elected seats in-between permanent and non-permanent members which would be of longer duration and/or renewable – were floated a number of times before the 2005 World Summit but mostly gained traction when Kofi Annan’s *High Level Panel on Threats, Challenges and Change* proposed one of two options which included a new category of eight seats, renewable every four years. (This was Option B. Option A entailed the creation of new permanent

and non-permanent seats.) No compromise was reached, however, between those wishing to create new permanent seats<sup>104</sup> and their opponents at the World Summit.

In 2007, under the leadership of PGA Sheikha Haya, two documents were produced that delved into compromise models more deeply by two sets of facilitators. [See Appendices III and IV.] The first group, consisting of Permanent Representatives Ali Hachani of Tunisia, Andreas D. Mavroyiannis of Cyprus, Mirjana Mladineo of Croatia, Hernando Muñoz of Chile, and Frank Majoor of the Netherlands, made “the most accurate possible assessment on the state of play on Security Council reform” and a “more analytical part providing a number of notions to move the process forward.”

The five facilitators were the first to use the specific phrase “widest possible political acceptance” adding: “in any case, well above the required majority.” In order not to estrange the G4 and its supporters or the African Group, they mentioned that “the transitional approach, *without prejudice to the prospect of creating new permanent seats*, could explore the creation of new non-permanent seats as well as an intermediate category.” (Italics added.) The variations of such an approach were listed as:

- Extended seats that could be allocated for the full duration of the intermediary arrangement, including the possibility of recall.
- Extended seats, which would be for a longer period than the regular two-year term, but with the possibility of re-election.
- Extended seats as above, but without the possibility of re-election.
- Non-permanent two-years seats with the possibility of immediate re-election.

The facilitators thought that extending veto powers “might not be feasible at this stage,” suggesting that this issue could be addressed in the context of a review.

Apart from expansion, they also explored possible ways to limit the veto; regional representation (issues of representing regional views, accountability, and the election process); the size of a new Council (from limited to large, issues of efficiency and representativity, and further expansion after a review); as well as working methods.

Apparently because of opposition from the G4,<sup>105</sup> a new set of facilitators, Permanent Representatives Hernando Muñoz of Chile and Christian Wenaweser of Liechtenstein, issued a second report in June 2007.

Besides key issues such as veto, election procedures, regional representation, and working methods, the issue of a review was highlighted: “A transitional approach assumes an interim arrangement and should have as an integral component a mandatory review to take place at a predetermined date to review and assess the adequacy of this arrangement. Issues on which Member States will not agree in the negotiations would have to be deferred to the review.”

The words ‘transitional’ and ‘intermediary’ were apparently regarded as synonymous. The second report did not specifically mention the possibility of progression to permanent seats by means of a review, though it should be noted that the term “transitional” was first used by Germany in the mid-1990s exactly for that reason. In 1996, Germany had stated in a meeting of the Working Group that: “The review would of course have to address all aspects of the reform package, including new permanent memberships.”

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<sup>104</sup> In 2005, the support for G4 allegedly totaled 100 (non-African) Member States. In 2012, however, the G4 reported that their latest draft resolution only garnered 80 endorses, including some from Africa.

<sup>105</sup> See Chapter 1a, pages 10-11.

After PGA Sgrjan Kerim's task force reiterated the possibility of a transitional approach, with agreement on basic reforms to be adopted immediately while a mandatory review conference could reverse, amend, or solidify earlier decisions, the Center produced an analysis on compromise models written by Jonas von Freiesleben on 24 June 2008.<sup>106</sup> In this analysis, Germany's efforts towards a transitional approach in the mid-1990s, and in the summer of 2005, as well as during the formulation of the Cypriote proposal, are explained, and reactions from some permanent representatives and experts at the time are described. Von Freiesleben focuses in his analysis on potential pitfalls in regard to a review conference. He concludes his analysis by suggesting that such a review could turn out to be even more divisive than the current deliberations.

Compromise models have not found many active proponents thus far. This may be, as one insider explained, because they should be seen as a "solution of last resort," only able to garner sufficient support when all aspirants to become new permanent members might be willing to give up or postpone their fight, which they clearly are not currently ready to do.

Three proposals on compromise models were formulated in the last five years: two that did not include a formulated progression from long-term seats to permanency – those of the UfC from 2009 and Liechtenstein from 2010 – and one of the Philippines from 2009 that did mention eventual permanency. (See Appendices VI and VII.) Many insiders have suggested that with renewable long-term seats, a Member State may end up enjoying de facto permanency. These proposals are reflected in the various versions of the negotiation/compilation text. (See Appendix IX.)

The UfC compromise proposal obviously is an intermediary model, but the group is not actively promoting it. Furthermore, the UfC proposal is not an ideal starting point as it has already made promises to various categories of Member States that might be difficult to retract. The Philippines proposal is rather complex and the relative simplicity of Liechtenstein's proposal might be a better point of departure when actual negotiations on a compromise model would be acceptable to the African Group and L69.

Member States that actually want the deliberations to proceed towards agreement should start clarifying the terminology of the proposed options. This applies not only to the models mentioned above, but also to other models certain to be proposed. To this author there is a need for specific terminology for at least two separate and unambiguous models. One would refer to the creation of a new category of long-term seats in between the existing categories which could be renewed through elections. Another would describe longer-term seats with the possibility of progression to permanent seats after a review.

### **Notes and Questions ...**

For most NGOs interested in global institutional arrangements, democratic and internationally agreed principles should guide, legitimize, or restrain the use of power in the name of peace and security. The Center for UN Reform Education clearly fits this mold. But rather than present preferences of our own, in this series we attempt to provide a representative and independent overview of deliberations in the General Assembly to assist others in following or analyzing important reform processes.

Any in-depth analysis on Security Council reform should address basic questions and assumptions that underly both the proposed solutions and related obstacles. From describing the course of the negotiations and talking to diplomats, many of the key questions are evident. For instance, should reform of the Council:

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<sup>106</sup> See [www.centerforunreform.org/node/357](http://www.centerforunreform.org/node/357).



- reflect democratic principles such as elections, with the latter allowing for greater accountability;
- mirror the dominance of regional powerhouses, thereby formalizing current levels of power as a criterium for permanency;
- primarily address the existing North-South imbalance among permanent members;
- ensure that all continents/regions are equally represented in the permanent category; with equal powers and privileges;
- allow cross-regional seats in order to increase the participation of smaller states, e.g. small island states, in the Security Council;
- lessen or increase the chances that a country or region will be on the agenda of the Council;<sup>107</sup>
- preserve, adjust, or abolish (some of) the power and privileges of the permanent five;
- continue the status quo because a high level of agreement is difficult to achieve;
- or a mixture of some of these?

Of course, most decision-making in the General Assembly juggles high-minded principles with more narrow national or group interests. Even for the most seasoned insiders, it is often hard to know for sure whether positions reflect genuine ideals and lofty principles, plays for power and influence, power envy, financial gain in exchange for a vote, realistic assessments, or even plain indifference. In this process too, a clear-eyed observer is soon tempted to question arguments presented by the various sides to bolster their case.

In the end, it is improbable that an outcome of the negotiations, if any, will provide most Member States or the public at large with satisfying answers to the above and other questions. Moreover, a win-win result for all groupings that are actively involved is rather unlikely.

The power of the General Assembly is enormous, especially when most of the Member States are united. And when a high level of agreement would occur in this instance, even the P5 cannot easily ignore it. Whether there is sufficient political will for such a high level of agreement on one of the proposed models for expansion, however, does not seem obvious at this time. Regretfully, as a result, the public image of the General Assembly as well as that of the Security Council suffers.

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<sup>107</sup> One former Permanent Representative explained in an interview that his government's highest priority for his term as UN Ambassador was to ensure that his country would not be on the agenda of the Security Council.

## **Acknowledgements**

Since 2006, a large number of staffers and interns contributed to the Center's updates on the meetings in the Open-ended Working Group and Intergovernmental Negotiations on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the (Security) Council. Specifically, we would like to thank: Irene Martinetti, Jonas von Freiesleben, Nicholas Christianson, Emanuel Evans, Daniel Safran-Hon, Jakob S. Lund, Mie Hansen, Alicia Stott, Kristin Schlosser, and Lesley Hsu.

The majority of these contributors are not native speakers of English and therefore much benefited from the superb editing skills of Estelle Perry, a founding member and previous President of the Center.

A large number of diplomats have agreed to be interviewed by the Center during the last 7 years. Without their insights, the chapters in this publication would have been considerably less complete and authoritative in nature. Moreover, Lydia Swart much benefitted from attending seminars on Security Council reform organized by Qatar in 2011 and Brazil in 2013.

The first publication in this series would not have been possible without a generous grant from the government of Switzerland.

## LIST OF ACRONYMS

AU:	African Union
Benelux:	Belgium, the Netherlands, Luxembourg
CARICOM:	Caribbean Community
C10	Committee of 10 (African Group)
EU:	European Union
GA:	General Assembly
G4:	Group of 4: Brazil, Germany, India, Japan
G77:	Group of 77
GRULAC:	Latin American and Caribbean Group
IBSA:	India, Brazil, South Africa
L69:	Resolution L69, or the group that followed
NAM:	Non-Aligned Movement
OIC:	Organization of Islamic States
P5:	Five Permanent Members
PGA:	President of the General Assembly
REV3:	Revision 3 of the negotiations/compilation text
S5:	Small 5: Costa Rica, Jordan, Liechtenstein, Singapore, Switzerland
SC:	Security Council
TCC:	Troop-contributing Countries
UfC:	Uniting for Consensus
UN:	United Nations
WEOG:	Western European and Others Group

## APPENDIX I

*[The African Union, in response to the Report of the High-level Panel on Threats, Challenges and Change, adopted a Common African Position, known as “The Ezulwini Consensus.” Following is the excerpt on Security Council reform.]*

AFRICAN UNION  
EXECUTIVE COUNCIL  
7th Extraordinary Session  
7- 8 March 2005  
Addis Ababa, Ethiopia

Ext/EX.CL/2 (VII)

### THE COMMON AFRICAN POSITION ON THE PROPOSED REFORM OF THE UNITED NATIONS: “THE EZULWINI CONSENSUS”

#### INSTITUTIONAL REFORM

The Security Council

On the Security Council, the African Union:

Recalling that, in 1945, when the UN was being formed, most of Africa was not represented and that in 1963, when the first reform took place, Africa was represented but was not in a particularly strong position;

Convinced that Africa is now in a position to influence the proposed UN reforms by maintaining her unity of purpose;

Conscious of the fact that the Harare Declaration has made significant impact on the world community and has thus been fairly reflected in the proposed UN Security Council Reforms, adopted the following position:

1. Africa’s goal is to be fully represented in all the decision-making organs of the UN, particularly in the Security Council, which is the principal decision-making organ of the UN in matters relating to international peace and security.
2. Full representation of Africa in the Security Council means:
  - i. not less than two permanent seats with all the prerogatives and privileges of permanent membership including the right of veto;
  - ii. five non-permanent seats.
3. In that regard, even though Africa is opposed in principle to the veto, it is of the view that so long as it exists, and as a matter of common justice, it should be made available to all permanent members of the Security Council.
4. The African Union should be responsible for the selection of Africa’s representatives in the Security Council.
5. The question of the criteria for the selection of African members of the Security Council should be a matter for the AU to determine, taking into consideration the representative nature and capacity of those chosen.

ASSEMBLY OF THE AFRICAN UNION  
Fifth Ordinary Session  
4 – 5 July 2005  
Sirte, Libya

Assembly/AU/Decl. 2 (V)

#### **SIRTE DECLARATION ON THE REFORM OF THE UNITED NATIONS**

WE, the Heads of State and Government of Member States of the African Union, meeting in the Fifth (5th) Ordinary Session of our Assembly in Sirte, Great Socialist People's Libyan Arab Jamahiriya , from 4 to 5 July 2005;

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- Reaffirming our strong commitment to the Ezulwini Consensus;
- Convinced of the need for a comprehensive reform of the United Nations System which takes into account the principles, objectives and ideals of the United Nations Charter for a fairer world based on universalism, equity and regional balance;
- Conscious of the need, within this process of reform, to ensure Africa's legitimate rights to a fair and equitable geographical representation;
- Recognizing that all the regions of the world must in this new era of globalization, endeavour in a spirit of solidarity to build a world of peace, security, justice, good governance and sustainable development;
- Persuaded that the reform of the United Nations should be all-inclusive and encompass all components of the United Nations System, including the General Assembly and the Security Council;

Are determined to ensure the success of the Ezulwini Consensus that clearly spells out the Common African Position on "sustainable development, collective security, conflict prevention and the conditions for the use of force, as well as the institutional reform of the UN", notably:

- the allocation of two (2) permanent seats to Africa with all the privileges, including the right of veto, and five (5) non-permanent seats on the Security Council;
- strengthening the leadership of the United Nations General Assembly to enable it to fully play its role as the most representative and democratic organ of the United Nations System and world parliament;
- strengthening the UN General Secretariat in the sense of greater efficiency and increased representation for Africa;
- Assembly/AU/Decl.2 (V)
- the establishment of a Peace Building Commission for the consolidation of peace as recommended by the Secretary General of the United Nations;
- granting ECOSOC the status of a central coordination mechanism for the activities of the specialized agencies of the United Nations System and its subsidiary organs in the economic, social and cultural domains with a view to enabling it to better discharge its role in attaining the MDGs;
- the establishment of a new Human Rights body, as a subsidiary organ of the General Assembly based in Geneva, to replace the Human Rights Commission with the same composition on the basis of equitable geographical distribution, and with a new non-selective and less politicized mandate, while confirming the universality and indivisibility of human rights;
- the democratization of the Bretton Woods Institutions.

Reiterate, to this end, our commitment to preserve Africa's unity and solidarity in the selection, by the African Union, of its representatives in the Security Council to act in its name and on its behalf.

Authorize consequently, the submission of a draft resolution to the UN General Assembly reflecting the Common African Position.

Done in Sirte, on 5 July, 2005

Assembly/AU/Resolution 1(V)

### RESOLUTION ON THE UNITED NATIONS REFORM: SECURITY COUNCIL

The General Assembly:

REAFFIRMING the aims and objectives of the UN Charter;

RECOGNIZING that the international community has welcomed proposals for the reform of the UN as contained in the report of the UN High-level Panel on "Threats, Challenges and Change" and the UN Secretary-General's report entitled "In Larger Freedom -Towards Development, Security and Human Rights for all";

AWARE of the positive reactions of various regions, groups and individual countries to the proposals contained in the two reports, as reflected in the "Draft Outcome Document" released by the President of the General Assembly in June 2005;

NOTING Africa's common position as contained in the "Ezulwini Consensus";

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CONVINCED that the three categories of freedom, namely "freedom from want, freedom from fear and freedom to live in dignity" are essential for both developed and developing societies and indispensable for peace and stability of the world;

CONSCIOUS that these freedoms can only be upheld and protected by the world community through an effective management of the current UN system;

TAKING INTO ACCOUNT the need to strengthen UN institutions in order to enhance the efficiency of the organization, especially its principal organs and, in particular, the General Assembly and the Security Council;

EMPHASIZING the need to strengthen the General Assembly which should be made to function effectively as the main deliberative and representative organ of the United Nations;

COGNISANT of the primary responsibility of the Security Council for the maintenance of international peace and security under the UN Charter;

STRESSING the need to consider the views of all Member States on this all important issue of the reform of the Security Council with a view to bringing to fruition, ideas which have been the subject of several debates over the years;

ACKNOWLEDGING the need for the Security Council to reflect present world realities and be more responsive to the aspirations of all Member States of the UN; bearing in mind the undeniable fact that in 1945, when the UN was being formed, most of Africa was not represented and, as a result, Africa remains to this day the only continent without a permanent seat in the Security Council, which is the primary organ of the UN on matters of international peace and security;

MINDFUL of the need to ensure Africa's effective representation in the Security Council like all the other regions of the world;

REALISING the need to engage fully all regions of the world in the work of the UN and to enlist their support for the progress of humanity;

Resolves to:

1. enlarge the Security Council in both the permanent and non-permanent categories and improve on its working methods;
2. accord the new permanent members the same prerogatives and privileges as the current permanent members, including the right of veto;
3. grant Africa two permanent and five non-permanent seats in the Security Council and increase its membership from fifteen to twenty-six with the eleven (11) additional seats distributed as follows:

### Permanent Members

Two from Africa

Two from Asia

One from Latin American and Caribbean States

One from Western European & Other States

### Non-Permanent Members

Two from Africa

One from Asia

One from Eastern European States

One from Latin American & Caribbean States

4. amend the UN Charter accordingly.

**Decision 62/557.** *Question of equitable representation on and increase in the membership of the Security Council and related matters*

At its 122nd plenary meeting, on 15 September 2008, the General Assembly, recalling its previous resolutions and decisions relevant to the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Council, mindful of Chapter XVIII of the Charter of the United Nations and of the importance of reaching general agreement as referred to in its resolutions 48/26 of 3 December 1993 and 53/30 of 23 November 1998 and in its decision 61/561 of 17 September 2007 on the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Council, as well as the ratification process of any amendment to the Charter as stipulated in its Article 108, and taking note of the seven principles presented by the President of the General Assembly to serve as guiding principles for the advancement of the Security Council reform:<sup>22</sup>

(a) Took note of the report of 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 on its work during the sixty-second session of the General Assembly;

(b) Noted with appreciation the Chairperson's initiative and efforts in the process of a comprehensive reform of the Security Council, as well as the work done by the Vice-Chairpersons;

(c) Decided, building on the progress achieved thus far, in particular during its sixty-first and sixty-second sessions, as well as the positions of and proposals made by Member States, to continue immediately to address, within the Open-ended Working Group, the framework and modalities in order to prepare and facilitate intergovernmental negotiations on the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Council. The Chairperson of the Open-ended Working Group would present the results of those consultations to an informal plenary session of the General Assembly, no later than 1 February 2009;

(d) Also decided, taking into consideration the results achieved so far in the Open-ended Working Group, and building on the progress achieved thus far, in particular during its sixty-first and sixty-second sessions, as well as the positions of and proposals made by Member States, to commence intergovernmental negotiations in informal plenary of the General Assembly during its sixty-third session, but not later than 28 February 2009, based on proposals by Member States, in good faith, with mutual respect and in an open, inclusive and transparent manner, on the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Council, seeking a solution that can garner the widest possible political acceptance by Member States;

- (e) Further decided that the basis for the intergovernmental negotiations would be as follows:
- (i) The positions and proposals of Member States, regional groups and other groupings of Member States;
  - (ii) The five key issues: categories of membership; the question of the veto; regional representation; size of an enlarged Security Council and working methods of the Council; and the relationship between the Council and the General Assembly;
  - (iii) The following documents: report of the Open-ended Working Group on its work during the sixty-first session of the General Assembly; Assembly decision 61/561;<sup>24</sup> and the report of the Open-ended Working Group on its work during the sixty-second session of the Assembly;<sup>23</sup>

(f) Decided that the Open-ended Working Group should continue to exert efforts during the sixty-third session of the General Assembly aimed at achieving general agreement among Member States in the consideration of all issues relevant to the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Council, taking into account the progress achieved during the forty-eighth to sixty-second sessions of the Assembly;

(g) Also decided that the Open-ended Working Group should submit a report to the General Assembly before the end of its sixty-third session, including any agreed recommendations.

<sup>22</sup> Ibid., 51st meeting (A/62/PV.51), and corrigendum.

<sup>23</sup> Official Records of the General Assembly, Sixty-second Session, Supplement No. 47 (A/62/47).

<sup>24</sup> Ibid., Sixty-first Session, Supplement No. 47 (A/61/47).

REPORT OF THE FACILITATORS TO THE PRESIDENT OF THE GENERAL ASSEMBLY ON THE CONSULTATIONS REGARDING “THE QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL AND OTHER MATTERS RELATED TO THE SECURITY COUNCIL”

United Nations, New York 19 April 2007

**I. Introduction**

The question of equitable representation on and increase in the membership of the Security Council was first introduced in our agenda in 1979, during the thirty-fourth session of the General Assembly. At its forty-eighth session the General Assembly adopted resolution 48/26, of 3 December 1993, by which it decided to establish 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*.

After more than a decade of intensive discussions on this important matter, both in the General Assembly and within the *Open-ended Working Group*, no concrete result has been achieved thus far.

At the 2005 World Summit, stressing the need to complete Security Council reform - as an essential element of our overall effort to reform the United Nations - Heads of State and government expressed support for early reform of the Security Council, in order to make it more representative, efficient and transparent, and to further enhance its effectiveness and the legitimacy of its decisions.

On 11 December 2006, when opening the plenary debate on Security Council reform, the President stated that after many years of inconclusive debate the time had come to make a realistic assessment of the whole issue; and to be prepared to look at this matter with a fresh and open mind if the General Assembly were to make substantial progress.

Against this backdrop, in her letter dated 24 January 2007, the President of the General Assembly invited the membership to start consultations around five key issues, namely: *categories of membership; the question of the veto; the question of regional representation; the size of an enlarged Security Council; and, the working methods of the Security Council and the relationship between the Security Council and the General Assembly*. Subsequently, on 8 February 2007, the President of the General Assembly appointed five facilitators in their individual capacity to assist her during the consultation process on the five preceding issues respectively: H. E. Mr. Ali Hachani, the Permanent Representative of Tunisia; H. E. Mr. Andreas D. Mavroyiannis, the Permanent Representative Cyprus; H.E. Mrs. Mirjana Mladineo, the Permanent Representative of Croatia; H. E. Mr. Heraldo Muñoz, the Permanent Representative of Chile; and, H. E. Mr. Frank Majoor, the Permanent Representative of Netherlands.

The President of the General Assembly mandated the five facilitators to conduct open, transparent and inclusive consultations with a view to making the most accurate possible assessment on the state of play on Security Council reform, for the purpose of establishing the appropriate process which would enable the General Assembly to fulfill the challenging task of reforming the Council.

Furthermore, the President requested the five facilitators to prepare a consolidated report on the result of their work, in order to allow the membership to have an informed follow up discussion on the way forward.

From 20 to 23 February 2007, the facilitators held a series of six informal meetings. The facilitators also convened an informal interactive panel discussion on 13 March 2007. These informal meetings, which took place in the framework of 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, provided the Member States with opportunities to comprehensively discuss all related aspects of the reform of the Council while focussing on each of the five aforementioned main issues identified by the President of the General Assembly.

In addition, the five facilitators conducted, separately or jointly, wide-ranging consultations and met with individual States and various groups of States. These contacts also allowed them to interact with delegations which did not participate in the open-ended informal meetings so as to take the fullest possible account of the views of all Member States.



The purpose of this report is to provide the President of the General Assembly with the outcome of the consultations the facilitators carried out over the past three months. The report includes a descriptive annex that gives an account and assessment of the views expressed by Member States on the different issues under consideration, and a more analytical part providing a number of notions on the way to move the process forward. The annex contains largely the evaluations of each facilitator responsible for his/her respective theme. The section “Notions on the Way Forward” reflects the common views of the facilitators. The facilitators hope that Member States would, in the next stage of the process, give special attention to the Notions on the Way Forward presented in this report.

## **II. Notions on the Way Forward**

As stated in the introduction, the facilitators, guided by the President of the General Assembly, undertook an inclusive process of consultations to elicit an accurate reflection of the positions and suggestions of the membership on the main questions regarding Security Council reform. Based on those consultations, as well as on the assessments contained in the annex, below are a set of notions of reform that may serve as a framework for result-oriented negotiations, a process over which Member States should have collective ownership.

The objective of the facilitators was to map out what seems most feasible at this stage, so that Member States themselves might proceed to work out all possible configurations guided by the notions identified below as prospective ways of moving forward.

1. Security Council enlargement is an integral part of the United Nations reform process. Member States consider that the United Nations reform would be incomplete without meaningful Security Council reform. Maintaining the Status quo is not acceptable to an overwhelming majority of Member States that feel that the current situation should be improved.
2. Flexibility is key in order to move forward on Security Council reform; but flexibility must be effectively shown and shared by all concerned. A significant number of Member States tend to agree that their ideal solution may not be possible at this stage, and believe that it may be more reasonable to consider the best possible substantial solution for now.
3. The positions of the major interest groups, well-known to the membership for some time, are not likely to be fully realized at this stage. It was encouraging that, in order to move forward with the process and despite the reiteration of initial positions, flexibility was displayed in the form of willingness to explore a viable compromise solution.
4. The General Assembly should opt for a Security Council reform formula that can garner the widest possible political acceptance by the membership, and in any case, well above the required majority in the General Assembly, including the acquiescence by the current permanent members of the Council, bearing in mind the ratification process of any amendment to the Charter as stipulated in its article 108.
5. Any achievable solution must address the concerns of the wide majority of United Nations Member States aimed at enhancing their access, both in terms of increasing their chances to serve as members of the Council and by being more intensively involved with its work while not a member. Especially the second element was a source of concern for small States and for those who have an item inscribed on the Council’s agenda.
6. Enlargement and working methods need to be dealt with in a comprehensive manner. They are closely linked and reform will be incomplete without either one. However, in any scenario, continued efforts should be made to improve the working methods.
7. Expansion needs to be based both on Member States’ contribution to the maintenance of international peace and security and to the other purposes of the Organization as well as equitable geographical distribution, as stipulated in the Charter. Maintaining the current regional groups, any enlargement should address the under-representation of developing countries as well as small States. The wide diversity in the membership of the Organization might be taken into account.
8. Under the present state of affairs, Member States, while retaining their initial positions, may wish to explore new and emerging ideas concerning a transitional approach to Security Council reform. A transitional approach assumes an intermediary arrangement and should have as an integral component a mandatory review to take place at a

predetermined date. Within the transitional approach there are different options and variations that Member States may wish to further explore. The negotiables include the content and duration of the intermediary arrangement and the nature of the review. Issues on which Member States will not agree in the negotiations would have to be deferred to the review. Consequently, at this stage none of the stakeholders has to give up its original position.

9. As regards categories, the transitional approach, without prejudice to the prospect of creating new permanent seats, could explore the creation of new non-permanent seats as well as an intermediate category. Member States may wish to consider, among others, the following variations of an intermediate category;

- Extended seats that could be allocated for the full duration of the intermediary arrangement, including the possibility of recall.
- Extended seats, which would be for a longer period than the regular two-year term, but with the possibility of re-election. The length of the terms as well as the re-election modalities should be decided in negotiations.
- Extended seats, which would be for a longer period than the regular two-year term, but without the possibility of re-election. The length of the term should be decided in the negotiations.
- Non-permanent two-year seats with the possibility of immediate re-election.

10. Regarding the veto, some Member States favour and some oppose its elimination; some demand and some oppose its extension. Therefore, as a definitive solution might not be feasible at this stage, Member States may wish to address this question within the framework of the review.

In the meantime, Member States may wish to consider forms of limitation in the use of the veto. These might include, among others:

- Ways of enhancing accountability for the use of the veto.
- Limitations of the scope of application of the veto.
- Individual or collective pledges to refrain from its use in certain instances.

11. Regarding regional representation, in the sense of Member States representing regional views, the notion of accountability, both in the election process and while serving in the Council, might be explored. To take into account this aspect, the following ideas could be considered:

- Future candidatures to the Security Council could be proposed directly by Member States or through regional consensus, it being understood that the final decision is to be taken by the General Assembly through the election process as set out in the Charter.
- Elected Members of the Council should be deemed, if they so wish, to also represent, through internal arrangements, the views of the groups to which they belong while continuing to act in accordance with the purposes and principles of the United Nations.

12. As regards the question of the expansion of the size of the Security Council, Member States may decide to consider the following options:

- A limited expansion, believed to be supported by those Member States particularly concerned about the efficiency of the Council.
- A large expansion, believed to be supported by those Member States particularly concerned about the Security Council's representativity.
- A medium-size expansion that could reconcile the concerns of those who argue for an efficient Council with the views of those who underscore its representativity.
- A limited expansion in a first stage and a further expansion in the framework of the review.

13. Any reform scenario should enhance access for non-Council members by improving the working methods of the Security Council. Since any enlargement will only modestly improve the chances of individual Member States to become a member of the Council, better access for non-Council members is deemed an essential and integral part of a reform package. At the same time, improvement of the working methods can be seen as a continuous, dynamic process. At this stage, Member States may wish to consider the following options:

- Establishment of a mechanism ensuring that Member States whose interests are specially affected will be heard upon request in private meetings of the Council (more vigorous implementation of

articles 31 and 32 of the Charter), and expansion of consultation and cooperation with regional organizations and countries in the region, not only in thematic, public meetings, but also in private meetings.

- Creation of additional opportunities for non-Council members whose interests are specially affected to be heard in the work of the subsidiary bodies; in case of resolutions that call into being far-reaching obligations of Member States, an extended consultation process could be established.
- Implementation of consistent consultations with potential Troop Contributing Countries in the early phase of a new operation, and regular substantive meetings during ongoing operations; Troop Contributing Countries and, as appropriate host countries, to be invited to private meetings of the Security Council in which the mandate of a Peacekeeping Operation is discussed.
- Increase in the transparency of the Council's work by: encouraging formal adoption of rules of procedure, stimulating thematic reports by the Security Council for discussion in the General Assembly and ensuring regular consultations between the Presidents of the principal organs on the implementation of the respective mandates, in accordance with the Charter.

### **III. Conclusions**

The present report represents the facilitators' honest evaluation of the state of affairs on Security Council reform. It reflects months of extensive and inclusive consultations, where the facilitators carefully listened to the views and concerns of Member States. The facilitators have tried to make a fair assessment, as contained in the annex, of the different aspects related to the reform.

On the basis of the consultations and the assessment, the facilitators have prepared the above notions that Member States might want to further discuss in order to explore feasible solutions for the way forward, aimed at facilitating tangible progress on a key and integral component of United Nations reform. As such, an attempt has been made to identify new and emerging ideas that might be worth exploring. At the same time, as stressed before, the facilitators underline that Member States may wish to pursue other options. Those identified here are not necessarily exhaustive.

The facilitators trust that the report will contribute to productive further discussions in which Security Council reform can be brought to a next stage. This could include an agreement on a negotiating process that is conducive to timely decision-making. The facilitators believe that there is a path forward that Member States could build on towards meaningful negotiations, taking advantage of the current momentum. The reform process ahead needs to continue to be all-inclusive and transparent.

## **ANNEX**

### **ASSESSMENTS ON CLUSTERS**

#### **Categories of Membership**

The issue of categories of membership proved to be one of the key issues of the entire process. One of the main purposes of the facilitation was to explore whether innovative ideas heard during consultations could help to reconcile existing positions with a view of advancing the process. The following views were expressed during consultations:

- A large group of States continued to call for the enlargement of the Security Council in both categories of membership (permanent and non-permanent seats).
- A group of States, while defending an enlargement of the Security Council in both categories, is proposing that any new permanent seats holders enjoy all prerogatives of permanent members including veto right in case it is maintained.
- Another group of States reiterated its position seeking the creation of a category of membership which is of a permanent character but, at least initially, without exercising the veto. Addition of new non-permanent seats is also proposed by this group.
- A group of States reiterated its position of accepting enlargement only in the category of non-permanent seats, while considering that no initial positions should be pre-empted for any future

discussions of the issue. The creation of only non-permanent seats is also considered by a group of States as a possible fall back position in case no other satisfactory solution is found.

- Some Member States encouraged the exploration of a sort of an “interim” or “transitional solution” based on a longer term renewability of seats. Likewise, other Member States expressed their readiness to explore a solution that would move the process ahead while enjoying broad acceptance.
- Some delegations, especially from small States, expressed the view that any solution should enhance their aspiration to serve in the Security Council.
- A large number of delegations expressed the view that there is a need for ensuring, in any expansion, a strengthened representation of developing countries and small states. A number of delegations stressed the need to take into account the wide cultural diversity within the international community.
- Some delegations expressed their wish to have the question of categories, as well the other issue-areas ascertained through a “questionnaire” addressed to Member States.
- The notion of accountability, both at the time of election (art 23.2 of the Charter) and while serving in the Council (art 24.2 of the Charter) has been addressed by delegations in relation with categories of membership:
  - A group belonging to a specific region is of the view that this region would be responsible for the selection of its representative States in an enlarged Security Council, which would be accountable to it.
  - Other Member States expressed the view that accountability could be ensured through a process of “challenge” in a review mechanism.
- Signals of flexibility were shown during the consultations: Despite the reiteration of initial positions, readiness for some flexibility was expressed by the main groups especially on the question of permanency:
- Delegations defending permanency would accept to submit the status of any new permanent seats to challenge.
- Delegations contesting the permanency would admit the possibility for a number of States to be in the Council for a longer period of time than that initially envisaged by the Charter.
- Members of a group of States, although remaining firm in their initial positions, expressed readiness to refer any new proposed elements regarding Security Council reform to their highest political authorities at the earliest possible opportunity.

### **The question of the veto**

Given the sui generis character of the veto, the extent of member states’ flexibility and the scope of possible veto reform were explored through extensive bilateral consultations with a cross-regional sample incorporating small, medium-sized and large states, states having items on the Council’s agenda and the states currently holding the veto. Member states addressed the issue on two levels: ideal and attainable reform. The veto was criticised on various grounds by the significant majority of member states, many of whom relayed a perception at the same time that elimination is not realistic at this stage. Trends regarding the veto included the restriction of its use, prevention of its extension, resignation from its reform at this stage and extension of it to all permanent members so long as it exists.

In terms of restricting the veto, suggestions included limiting the instances where it can be used (e.g. to exclude instances such as genocide, war crimes, crimes against humanity), establishing criteria for when and in which situations the veto can be used, formalising explanations for the use of veto, limiting the scope of application of the veto (either restricting it to Chapter VII decisions or disallowing its use in Chapter VI decisions), restricting its use to only vital issues, barring the veto where a permanent member is a party to a conflict, changing its weight (e.g. requiring two negative votes to reject a draft resolution), overruling it, and placing a cap on the total number of negative votes that can be cast by a permanent member.

Member states considered that extension of the veto pre-supposes agreement on the addition of new permanent members. Permanent members themselves did not rule out extending the veto, depending on the number of prospective new permanent members and which those would be. Their position ranged from offering qualified support to the G4 draft resolution, to being ready to add one or two new members to the P5 group and to extending the veto to a representative from a region currently without it.

### APPENDIX III

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Among states in support of expansion in permanent and non-permanent members, three tendencies were identifiable; a) the veto is a tool for inaction that does not contribute to the effectiveness of the Council and should not be extended to new permanent members, b) in principle extension of the veto, accompanied by a commitment not to use it until a future review, and c) automatic extension of the veto to new permanent members. The second option gathered the most support, also because it was expressed as a fallback position by many states supporting options one and three. For those supporting extension of the veto at this stage, the second option would provide future prospect to this end while for those supporting non-extension of the veto, the second option would satisfy their position now without pre-empting the eventual settlement of the issue.

The general perception of the permanent members regarding the veto, despite nuances on certain aspects of this issue, is that the veto is at the core and is the sustaining force of the system of collective security. It is considered inherently different from other elements discussed in the reform process, as it is the result of a political understanding that pre-existed the Charter and thus could not be reformed by the wider membership. Its reform could only be governed by the same historical rationale that initially brought it into being as a tool of restricting the scope of the collective security system according to their major policy considerations.

Permanent members recognized that the wider membership had concerns regarding the veto but did not consider it was misused; rather, they insisted that the veto is exercised with restraint. However, they did not exclude the prospect of finding ways amongst themselves to appease those concerns, including for most of them through a) a voluntary commitment in this respect or b) an oral understanding that permanent members would agree to a non-legally binding statement once the reform process has been agreed.

Despite nuances, permanent members alluded to the limits of what could be agreed vis-à-vis the veto. The latter's abolition or modification would not be ratifiable through Charter amendment. This includes legally-binding regulation of the veto or General Assembly guidelines on how to exercise it. General Assembly involvement in matters falling within what permanent members consider to be exclusive competence of the Security Council is not amenable, nor is explanation of the use of veto before the General Assembly (the P5 consider the two organs to stand on equal footing). Most permanent members based their acceptance of enlargement and other reform of the Council on preserving the essence of their veto power.

The limited span between what the current holders of the veto could accept and what the wider membership is seeking prompted member states to contemplate the option of by-passing, at this stage, substantial veto reform while maintaining strong preference for the veto to be explicitly included on the agenda of a possible future review. The latter requires further exploration, as there does not seem to be across the board agreement on it. The assessment of the facilitator is that, although desirable for the majority of member states, veto reform alone might not be the single factor that will seal or break the reform deal at this stage, provided that the rest of the reform package will be substantial.

States that have thus far insisted on new permanent members obtaining the same rights and privileges as the incumbents, including the veto, were frequently mentioned as key to the process of Security Council reform. Such states, when consulted, reiterated their collective official position but appeared to be willing to consider alternatives on condition that those would be concrete and sufficiently attractive. While these states did not rule out the prospect of a provisional solution, it was quite clear that no definitive views could be provided by them on this level of consultation and at this stage.

Member states who addressed the use of the veto as a source of non-action on the part of the United Nations expressed varying views on whether and how this could be remedied. The mechanism created through General Assembly resolution 377 (V) was accepted as an alternative by some but deemed either ineffective and/or undesirable by others. No concrete suggestions were suggested on how the General Assembly might exercise a subsidiary role in those instances where the primary responsibility of the Council for the maintenance of international peace and security is not exercised because of a veto. Member states did however stress that the General Assembly should do more to fully exercise its competencies under articles 10-12 of the Charter, including by examining matters of peace and security, and calling on the Security Council to take relevant action. This could exhort the Security Council to take action on a situation, provide the viewpoint of the wider membership to the Security Council on a particular issue, and contain the veto through input that would deter its use. The awareness by the Security Council of the pronouncement of the General Assembly on a certain issue would make it difficult for the Council to subsequently ignore the collective will of the international community and be silent on account of a veto.

Through the above consultations it transpired that a pragmatic option concerning veto reform at this stage is the possibility of a pledge by the permanent members to exercise the veto with restraint. While this would not amount to a legally binding measure, some member states have indicated that this would have an impact in practical terms. It was reasoned that indirect limitation/regulation of the veto and the influence of permanent members could be achieved to some degree through the cumulative impact of reform. It was also suggested that enlargement itself amounts to a de facto limitation of the power of the veto because permanent members will constitute less than 25% of the Council and the responsibility to block action through veto will be substantially heavier. As the veto is viewed as synonymous with P5 influence, it is particularly pertinent to note that the enhanced presence and voting might of members other than the P5 is believed by many to limit the influence of permanent members on decision making as well as decision-making that is exclusively power balance-driven. Lastly, it was suggested that the power stemming from possession of the veto (implicit veto) would diminish if the Council operated in a manner that allowed for less pressure to be exerted on non-permanent members.

### **The question of regional representation**

There seemed to be a common understanding that the Security Council in its current composition does not reflect the geopolitical realities and thus needs to be adequately rebalanced.

- The majority of delegations were of the view that the rebalancing of the Security Council needs to be based on "the contribution to the maintenance of international peace and security and to the other purposes of the Organization", as well as on equitable geographical representation, as stipulated in article 23 of the Charter.
- Nevertheless, some delegations pointed out that additional objectives and measurable criteria had yet to be worked out to define the necessary capabilities of States relevant to the maintenance of international peace and security. Proposals included, *inter-alia*, the level of financial contribution to the United Nations, population, regional role and standing, size of military forces, as well as contributions to peacekeeping operations.

In the course of the discussion there seemed to be a two-fold understanding of the term "regional representation".

- Some delegations identified the term "regional representation" as identical to the "equitable geographical distribution" as contained in article 23.1 of the Charter.
- Other delegations expressed the view that the term "regional representation" should be understood as the regional seat leading to regional accountability. They argued that the notion of regional representation, in the sense of Member States representing regional views, could be explored further. Different options were suggested, such as candidatures to be proposed directly by Member States or through regional consensus, it being understood that the final decision is to be taken by the General Assembly through the election process as set out in the Charter. Another suggestion was that Members of the Council should be deemed, if they so wish, to also represent the views of regional groups to which they belong while continuing to act in accordance with the purposes and principles of the United Nations.
- However, a wide number of delegations felt that, at this stage, the non-permanent members of the Council, although proposed on a regional basis, could not represent their respective regions. Rather, as members of the Security Council, they should have a global accountability as well as an obligation to the international community as a whole.
- In addition, many delegations were of the view that the concept of the regional seat, given the different character of each regional group as well as the existing differences in their internal working procedures, was not feasible at this stage.

Although the composition of the existing regional groups was challenged in terms of not accurately reflecting geopolitical realities, there seems to be a wide understanding that the restructuring of the current system is not realistic. The majority is thus still of the view that the principle of the equitable geographic distribution should be exercised through the existing structures. Nevertheless, opinions varied on how to amend the situation, in particular with respect to defining the underrepresented.

The discussion brought out several interpretations within the category of the underrepresented. Accordingly, the underrepresented were classified in the following manner:

- Within the existing group arrangements, there was a general feeling that Africa, Asia and GRULAC were underrepresented. Some opined that the EEG was underrepresented as well.
- There was also a broad understanding that small and developing countries are underrepresented as a general rule. In addition, some delegations pointed out that small and developing countries from Africa, Asia and GRULAC were underrepresented in particular.
- Some delegations were of the opinion that there was a need for an enlarged Security Council to represent all cultures, religions and civilizations. In that respect, although various political organizations were mentioned as candidates for the Security Council seat, the majority of delegations argued it would contradict the intergovernmental nature of the United Nations and therefore proposed that their legitimate concerns should be accommodated through other means.

Bearing in mind the inseparable links between the *Regional Representation* cluster and those of *Size* and *Categories of Membership*, it might prove to be very difficult to devise any workable solution prior to the agreement on the number of seats to be distributed. However, since it can be argued that the notions of contribution to the maintenance of international peace and security and equitable geographical distribution constitute the fundamental elements of any future fair and just solution, they should be taken into account as a general principle during deliberations as well as at the early stages of the eventual future negotiations on size and categories.

### **The size of an enlarged Security Council**

During consultations Member States agreed with an enlargement in the size of the Security Council. No Member State opposed expansion. Below, are some of the main opinions expressed by Member States in the consultations:

- The size of an enlarged Security Council cannot be judged in isolation from other conditioning issues, such as equitable regional representation and the categories of membership. Determining the size of an enlarged Council was guided, for example, by the aspirations of regions to be satisfied with their representation, rather than a theoretical number decided a priori.
- Opinions as to the size of an enlarged Security Council vary. Many Member States gave specific preferred numbers, while others expressed that they are open to suggestions, some of them provided that additional considerations are taken into account.
- Some Member States expressed that among the main criteria that ought to be considered in determining the size of an expanded Security Council are equitable geographical distribution, enhanced credibility, efficiency and effectiveness of the Council. A number of delegations added criteria such as the financial and diplomatic contributions to the United Nations, as well as respect for democracy and human rights. Others prefer to adhere solely to the criteria enunciated in Article 23 (1) of the Charter, *i.e.* “due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.”
- The “efficiency” and “effectiveness” of an enlarged Security Council were considered by some delegations, particularly but not only permanent members of the Security Council, as paramount elements for a Council that is supposed to act swiftly in the face of crises. Other delegations argued that efficiency does not necessarily result from a reduced size, and that efficiency (or efficacy) could ultimately improve by enlargement in more representative higher numbers.
- Some Member States lamented the current configuration of regional groups, as not representative of like-minded States, but agreed, as most members did, that it would not be advisable to revisit existing regional groups, notwithstanding the wish expressed by some that an expanded Council should consider seats for small States or States of particular cultures and civilizations.
- A significant number of Member States, both developed and developing, from different regions, believe that the size of an expanded Security Council should remedy the under-representation of developing countries, particularly from Africa, Asia, Latin America and the Caribbean.
- A number of delegations, while stressing that the Security Council should properly represent current world reality, expressed their desire to see an adequate correlation between the number of members in the Council and the membership of the General Assembly. They pointed out that the

ratio between Security Council and the general membership of the U.N. was 21% in 1945 (a ratio of 1:5), 13% in 1965 (a ratio of 1:8) and less than 8% (a ratio of 1:13) at present.

- A limited expansion of seats has been advocated by Member States on grounds of efficiency and agility of the Council to confront crises. Other member States favor a larger expansion of seats based on representativity of the Council.
- In the view of some Member States, an increase in the number of seats, even if solely in the non-permanent category, would entail a re-balancing of the power structure within the Security Council. More members would require new higher proportions of votes to approve resolutions, as the weight percentage of permanent members would decline.
- While some Member States addressed the question of size from the perspective of a one-time expansion, some Member States felt that a Review Conference should revisit the issue of size in the context of a transitional approach.
- Despite the fact that views on the exact size of an expanded Security Council differ among Member States, they do not seem irreconcilable.

### **The working methods of the Security Council and the relationship between the Security Council and the General Assembly**

A wide majority of Member States felt that the working methods are an essential and integral part of Security Council reform. Some Member States opined that expansion and working methods should not be seen as inseparable. They argued that reform of the working methods, which would not require a Charter amendment, should be seen as a continuous process. Ultimately, a widely shared conclusion was that the working methods should be part of any reform package. If agreement on a package would not be attainable, efforts to reform the working methods could, and in the eyes of many, should still be continued.

- Some Member States offered another perspective on the relationship between the working methods and expansion of the Council. Many (smaller) Member States serve relatively sporadically on the Council, even in case of an expansion. For those Member States, improved working methods, and thus better access as non- Council member to the work of the Council, is of essential importance.
- Member States alluded to the relationship of the Security Council with the General Assembly. Most Member States put this issue in the context of the so- called encroachment of the Security Council on the General Assembly. It was argued that this had much to do with the broadening definition of “security”. Working with this broad definition, the Security Council was increasingly discussing subjects that would, arguably, fall under the competence of the General Assembly. Most however felt that it was difficult to address this issue in the context of Security Council reform.
- As to the substance of the working methods, many Member States welcomed several initiatives that have recently been taken, such as the draft resolution by Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland (S5) and the recent Note by the President of the Security Council on working methods (S/2006/507). Many Member States saw as the central aim of improved working methods to ensure better access for non-Council members to the work of the Security Council. The access seemed to have distinct components: information, consultation and cooperation.
- With regard to access through information, Member States felt that timely and substantive information on the work of the Council would lead to more transparency. This would not only enable them to better follow the proceedings, but would also allow Member States to informally exert influence on the decision making process. Concrete suggestions that were made by Member States:
  - Better notification to all Member States of all Council meetings, including unscheduled meetings and early distribution of draft resolutions.
  - More frequent briefings by the President of the Security Council, as well as by the Chairmen of the subsidiary bodies. Distribution to all Member States of reports of the meetings of the subsidiary bodies.
  - Institutionalized periodic review of the implementation of Council mandates and decisions.
- On better access through consultations, Member States indicated an interest to have direct, real access to the Council in cases where their interests were specially affected, and in particular when they have an item on the agenda (both in open and private meetings). It was widely felt that this



would increase the legitimacy of the Council's decisions, without necessarily infringing on the prerogatives of the Council. Suggestions that were made:

- A mechanism should be established to ensure that Member States whose interests are specially affected will be heard upon request in private meetings of the Council, as well as in the work of the subsidiary bodies.
- Consistent consultations with potential TCC's in the early phase of a new operation, with the participation of the host country, where appropriate, and regular substantive meetings during ongoing operations.
- As already stated, it was also argued that better access could be achieved by means of expanding on the mechanisms for interaction between UN bodies, most notably between the Security Council and General Assembly. Suggestions that were made:
  - The Security Council should issue special subject-oriented reports (article 24.3 Charter) for discussion in the General Assembly. This could include reports on the understanding of the mandate of the Security Council, e.g. what is the definition of "international peace and security".
  - In addition to increased cooperation between the SC and GA, also a regularized, substantive dialogue should be established with ECOSOC, the Human Rights Council and the PBC (also on the implementation of the respective mandates).

As stated before, most Member States felt that measures as described above should be part of a reform package, that would eventually be voted on in the General Assembly. By and large, the permanent members indicated that they supported some level of reform of the working methods. Some of them stated that these measures should be adopted by the Security Council itself, and could not be 'imposed' by the General Assembly. This is a matter that would require further consultation.

REPORT TO THE PRESIDENT OF THE GENERAL ASSEMBLY ON THE CONSULTATIONS REGARDING “THE QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL AND OTHER MATTERS RELATED TO THE SECURITY COUNCIL”

United Nations, New York 26 June 2007

**I. INTRODUCTION**

1. On 22 May 2007, the President of the General Assembly appointed H.E. Mr. Heraldo Muñoz, the Permanent Representative of Chile and H.E. Mr. Christian Wenaweser, the Permanent Representative of Liechtenstein, (hereafter referred to as “the authors of this report”), to conduct consultations with the membership on how to move the process forward, in formats they should deem useful. The President asked the two Permanent Representatives to use the five Facilitators’ report of 19 April 2007 as the basis for those consultations, and to report back on the outcome before the end of June 2007.

2. Moreover, in view of their significant contribution to the deliberations on Security Council reform, the President of the General Assembly asked the facilitators appointed on 8 February 2007, to continue to advise her on this important matter.

**II. BACKGROUND**

3. This report is submitted in accordance with the mandate contained in the above-mentioned letter of 22 May. In keeping with this mandate and building upon the momentum created by the Facilitators’ report, the authors of this report have conducted inclusive and extensive consultations. In this context, they approached existing groups – those that have taken a position on Security Council reform in the past as well as others – and thus reached out to the membership in the course of their consultations. In addition, they also held numerous bilateral talks.

4. The authors of this report also benefited from the views offered during the informal plenary meetings held on 3 and 4 May 2007, as well as from the insight provided by the Facilitators advising the President of the General Assembly.

5. Throughout this latest stage of consultations, many Member States have reiterated that Security Council reform is an integral part of the ongoing United Nations reform process, and that United Nations reform would be incomplete without a meaningful reform of the Council. In this regard, the status quo is not acceptable to an overwhelming majority of Member States. There is thus a continued strong commitment to Security Council reform in accordance with paragraphs 152 to 154 of the Outcome Document of September 2005.

6. Furthermore, Member States underscored that to move forward on Security Council reform, flexibility had to be effectively shown and shared by all concerned. Such flexibility would imply a concrete commitment to find the widest possible political agreement.

7. Both the Facilitators’ report and the informal plenary meetings made it clear that those who have taken a distinct position on Security Council reform in the past still maintain those positions. This report is thus without prejudice to positions expressed by Member States in the past and in particular to the proposals on Security Council reform submitted in the past by the G-4 (A/59/L.64), the Uniting for Consensus Group (A/59/L.68) and the African Group (A/59/L.67). The same applies to the proposal submitted by the S-5, which dealt exclusively with the working methods of the Security Council (A/60/L.49).

8. The consultations have reaffirmed that at this stage of the process, the positions of the major interest groups from the past are unlikely to be fully realized. Therefore, as stated in the five facilitators’ report, under the present state of affairs, Member States, including those supporting the above-cited draft resolutions, while retaining their initial positions, may be open to explore further a transitional approach to Security Council reform. At present, there is considerable interest in and openness to the transitional or intermediary approach; yet, a deeper understanding is needed to advance the process. This report is intended to assist in such a possible exploration.

### III. THE INTERMEDIARY APPROACH

9. The positions taken in the past have revealed stark differences of opinion on a number of issues such as size of an enlarged Council, the veto and on whether new permanent seats should be created. The intermediary approach, as outlined in the Facilitators' report, is intended to reconcile these positions to the extent possible and is therefore by definition a compromise. At the same time, it is not meant to reflect a lowest common denominator, but rather a possible solution that is at the same time politically sustainable and framed in a manner that is flexible enough to allow the membership to take further reform steps in the future. It is clear that the goal of any proposal on Security Council reform should be finding the formula that garners the strongest possible agreement of the membership - preferably expressed through support exceeding the legally required two-thirds majority, thus facilitating an early entry into force of the necessary Charter amendments.

10. Such a solid political majority will have to take into account the interests and concerns of all major interest groups and States, including of those who do not fully subscribe to any of the proposals submitted in the past. This includes small States who emphasize their particular interest in the issue of working methods, in particular the aspect of access to information and decision-making within the Council - to which those who have an item inscribed on the Council's agenda also attach particular importance - as well as enhancing their possibility to serve in the Council.

11. A transitional approach assumes an interim arrangement and should have as an integral component a mandatory review to take place at a predetermined date to review and assess the adequacy of this arrangement. Issues on which Member States will not agree in the negotiations would have to be deferred to the review.

### IV. NOTIONS FOR DISCUSSION

12. Paragraph 8 of the five Facilitators' report states that "States may wish to explore new and emerging ideas concerning a transitional approach to Security Council reform." It goes on to say that "within the transitional approach there are different options and variations that Member States may wish to further explore." The following notions are intended to assist Member States in such a further exploration of a transitional approach, if they so wish.

#### *Size and categories of membership*

13. The size of an expanded Security Council depends on striking an adequate balance between the general satisfaction about the geographical representation of the Council, in particular in terms of the representation of developing countries and of small States, and the desire to maintain its efficient functioning. In their consideration of the size of the Council, States may want to examine the linkages between the size and the scope of the review clause, and address the issue of access of States that are not members of the Council to its decision-making process in the context of the discussions concerning the improvement of the working methods.

14. The intermediary approach entails the creation of a category of membership not currently provided for under the Charter. Within the intermediary or transitional approach, Member States may wish to consider, inter alia, creating extended seats that could be allocated for the full duration of the intermediary arrangement, up to the review; extended seats for a longer period than the existing non permanent seats with the possibility of re-election; or extended seats for a longer term than the existing non permanent seats but without the possibility of re-election.

15. Any of these options can be combined with enlargement in the regular non- permanent category, in accordance with article 23.2 of the Charter.

16. The options in size range from a limited to a large expansion, a decision which could be adopted either in one step or in stages - i.e., a given number at first and a further expansion in the review.

17. The length of the extended seats would have to be considered together with their re- election modalities, as appropriate, and the geographic distribution of the new seats. This constitutes an essential negotiable and is also tied to the review.

#### *Elections of New Members*

18. Member States may wish to consider the modalities for electing members in the new category of seats. While such elections would have to be held in accordance with the relevant provisions of the Charter, States may want to

consider whether the elections for additional seats and the regular two-year seats take place simultaneously. Furthermore, Member States may wish to add a provision which would prevent countries from presenting candidatures for both the new category and the traditional non-permanent category at the same time or in short intervals.

### ***Veto***

19. Within the intermediary approach, States may want to examine the question of rules concerning the exercise of the veto, including forms of limitations of its use, possibly in the framework of a decision on working methods. Given that none of the options under the intermediary approach entail the creation of new vetoes, this possibility would under any of the options be left for consideration in the course of a review. The use of the veto is linked to the issue of working methods as well as to categories of membership and the review.

### ***Regional representation***

20. As far as regional representation, States may wish to reflect on the notions presented in the Facilitators' report in their possible further consideration of an intermediary approach. This issue is linked in particular to the question of size and composition.

### ***Review***

21. A review clause may open the way to take further reform steps in the future. Within an intermediary approach, special weight must be given to a review clause. Such a review must be mandatory and take place after a specified number of years following the entry into force of Charter amendments related to Security Council reform. It is further indispensable to clearly define the scope of the review.

22. While the review plays a central role in the consideration of an intermediary approach, further changes to any aspect of the composition of the Security Council will require a separate decision by the General Assembly on a further amendment of the UN Charter and a separate ratification process.

23. The central role of a review clause is linked to all other aspects of Security Council reform and in particular to those aspects on which Member States will not agree in negotiations. These might include the question of the creation of permanent seats including the question of the veto, the creation of additional non-permanent seats in accordance with Article 23, paragraph 2 of the Charter of the United Nations and the further consideration of arrangements regarding the use of non-concurring votes by Permanent members of the Security Council in accordance with Article 27, paragraph 3 of the Charter. The review should also entail undertaking a comprehensive reassessment of the Security Council, including its composition and working methods.

### ***Working methods***

24. There is general agreement on the high importance of working methods. Enlargement and working methods need to be dealt with in a comprehensive manner, and reform would be incomplete without either one. The complementary nature of the two areas of Security Council reform is generally recognized, within which the possibility of advancing independently on the two aspects is also put forward. The different nature of the two aspects of reform, with only enlargement requiring a Charter amendment, has to be taken into account in this regard. The issue of working methods is linked to the

review, the veto and the size of an enlarged Council, in particular through enhancing the access of non-members to the decision-making process of the Council.

## **V. FUTURE STEPS**

25. A large number of Member States expressed the view that the President of the General Assembly has established favourable conditions to advance toward a process of negotiations among Member States. Delegations expressed the view that instead of further consultations, the next stage should consist of negotiations.

26. While the continued leadership of the President of the General Assembly will be essential, substantive input from Member States will be indispensable in order to take the discussions to the next stage, i.e. intergovernmental

#### APPENDIX IV

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negotiations, with a view to continuing moving forward, so as to achieve further concrete steps within the sixty-second session of the General Assembly.

27. Future negotiations would need to be conducted on the basis of a text containing concrete elements on all the negotiables identified in this report. Member States should have primary ownership of such a process.

28. This report is intended to enable tangible progress through which Security Council reform can be brought to a next stage that could include - in concrete terms - an agreement on an intergovernmental negotiating process, as the only way to move forward.

29 Flexibility must be effectively shown and shared by all concerned in a process that would need to continue to be all-inclusive and transparent. There have been years of discussions, without substantial results. The time has come to bring the process closer to decision-making. It is therefore important that the current momentum be maintained in order to develop a common understanding conducive to the attainment of the Security Council reform.

30. This report represents a genuine effort of the two Permanent Representatives to fulfil the mandate given to them by the President of the General Assembly in her letter of 22 May. It thus brings to an end their work under this mandate.

**Sixty-first session**

Agenda item 111

**Question of equitable representation on  
and increase in the membership of the  
Security Council and related matters**

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**Barbados, Benin, Bhutan, Brazil, Burundi, Cape Verde, Fiji, Grenada, Guyana,  
Haiti, India, Jamaica, Liberia, Mauritius, Nauru, Nigeria, Palau, Papua New  
Guinea, Rwanda, Saint Vincent and the Grenadines, Solomon Islands,  
South Africa, Tuvalu and Vanuatu: draft resolution**

**Security Council reform process**

*The General Assembly,*

*Reaffirming* the aims and objectives of the Charter of the United Nations,

*Bearing in mind* the United Nations Millennium Declaration<sup>1</sup> of 8 September 2000 adopted by heads of State and Government, in which they resolved to, inter alia, intensify their efforts to achieve a comprehensive reform of the Security Council in all its aspects,

*Recalling* the resolve of world leaders, reflected in the 2005 World Summit Outcome,<sup>2</sup> to support early reform of the Security Council as an essential element of overall efforts to reform the United Nations in order to make it more broadly representative, efficient and transparent and thus to further enhance its effectiveness and legitimacy and implementation of its decisions,

*Noting with appreciation* the efforts of 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, which began its work in January 1994,

*Aiming* to expand the membership of the Security Council to better reflect contemporary world realities, thereby enhancing the Council's responsiveness to the views and needs of all Member States, in particular developing countries, including island and small States, and ensuring the adoption of improved working methods,

*Commending* the President of the sixty-first session of the General Assembly for her efforts to achieve a comprehensive reform of the Security Council,

Urges the President-elect of the sixty-second session of the General Assembly to take immediate steps to facilitate results-oriented intergovernmental negotiations, taking into account all options and elements, including, in particular, the following elements for a comprehensive reform of the Security Council, so as to adopt an outcome, preferably before the end of 2007:

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<sup>1</sup> See resolution 55/2.

<sup>2</sup> See resolution 60/1.

## APPENDIX V

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- Expansion in both permanent and non-permanent categories
- Greater representation of the developing countries, including island and small States
- Representation of the developed countries and those with transition economies reflective of contemporary world realities
- Comprehensive improvement in the working methods of the Security Council
- Equitable geographical distribution
- Provision for a review.

21 January 2010

English only

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**Sixty-fourth session**

Agenda item 119

**Question of equitable representation on and increase in the membership of the Security Council and related matters**

**Security Council reform**

As Chair of the intergovernmental negotiations on equitable representation on and increase in the membership of the Security Council and related matters, I have the honour to submit the following conference room paper, which was presented by the delegations of Colombia and Italy during the intergovernmental negotiations and is issued at their request:

1. Since the last amendment of the Charter of the United Nations in 1963, which increased the number of non-permanent members of the Security Council, world realities have continued to change. Adapting the Council's structure and working methods to these realities is an urgent priority.
2. Any reform of the Security Council should have as its objective the establishment of a more democratic, more equitably representative, more transparent, more effective and more accountable Council, one that respects the diversity and pluralism of the contemporary international community. Such a reform would need to pay particular attention to the substantial increase in the number of developing countries within the United Nations membership since the last expansion of the Council, as well as the legitimate interests of small and medium-sized States with respect to serving on the Council.
3. The preservation of democratic principle lies at the heart of the legitimacy of any reform of the Security Council. The discipline of regular elections is irreplaceable in ensuring an accountable, accessible Council, one in which membership is earned as a privileged responsibility, not granted as a permanent right. Only an expansion in the number of elected seats can ensure the preservation of that democratic principle; the authority, through it, of the General Assembly; and, ultimately, the long-term legitimacy of reform.
4. The subject of Security Council reform is one of the most contentious issues in the United Nations. The review conference envisaged by Article 109 of the Charter of the United Nations never materialized. In the 63 years of its existence, there has been only one successful attempt to change the composition of the Council. The current reform process has been going on for the last 14 years without the reaching of any agreement. Therefore, it is extremely important that this reform of the Council be comprehensive, including an increase in the size of the membership and an improvement in the working methods.

**I. Categories, terms and mandate**

**Additional seats**



1. The exact number of seats will depend on the total size of the expansion and the distribution of those seats among various regions, taking into account equitable geographical distribution.

*Longer-term seats*

- Seats allocated to the regional groups, as follows:
  - Africa
  - Asia
  - Asia/Africa (on a rotational basis)
  - Group of Latin American and Caribbean States
  - Western European and Others Group/Eastern European Group (on a rotational basis)

Alternative options for duration of terms:

- (a) A term of from three to five years without possibility of immediate re-election; or
- (b) A term of two years with the possibility of up to two immediate re-elections. To be eligible to run afresh, Member States will have to give a break equivalent to the consecutive period served on the Council.

*Regular non-permanent seats*

- Seats for a two-year term without the possibility of immediate re-election, as follows:
  - Small states<sup>1</sup>
  - Medium-sized States<sup>2</sup>
  - Africa
  - Asia
  - Group of Latin American and Caribbean States
  - Eastern European Group

2. Arrangements for representation in respect of the seats, including re-election and rotation, should be decided by the respective regional groups.

## **II. Majority required for Security Council decisions and the question of the veto**

- *Majority required for adoption of substantive decisions in an enlarged Security Council, in accordance with Article 27 of the Charter of the United Nations:*
  - Present ratio, that is, 3/5 (60 per cent) of the total Security Council membership, or a greater ratio
- Options on the question of the veto:
  - Abolition of the veto
  - Limitations in respect of the scope of the veto; inter alia, application of the veto only on Chapter VII-related matters

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<sup>1</sup> Population below 1 million, that is, 42 countries, of which 37 have never been elected to the Security Council. Of the 37 never elected: 4 are from Africa; 11 are from Group of Latin American and Caribbean States; 15 are from Asia; 1 is from Eastern European Group; 6 are from Western European and Others Group.

<sup>2</sup> Population between 1 million and 10 million, that is, 71 countries, of which 27 have never been elected to the Security Council.

**III. Working methods and procedures**

1. Enhancement of transparency in the work of the Security Council, including through:
  - Better access to information through open briefings
  - Holding of Security Council meetings in an open format and keeping to a minimum closed meetings and informal consultations as the exception that they were meant to be
  - Timely availability to non-Security Council members of draft resolutions and presidential statements
  - Frequent, timely and qualitative briefings for non-Security Council members on the matters discussed in Council informal consultations and in the subsidiary bodies
2. Enhancement of access and participation of non-Security Council members in the work of the Council, including through:
  - Full and more vigorous implementation of Articles 31 and 32 of the Charter of the United Nations within the context of the work of the Security Council and its subsidiary bodies
  - Interaction of the Security Council with all interested and concerned parties, particularly in the decision-making process
  - Timely decision on the format of meetings to allow the membership sufficient preparation
  - Established mechanisms to ensure that views and interests of Member States affected or concerned by any matter in the agenda, including troop-contributing countries and host countries, are heard and taken into account.
  - Expansion of consultation and cooperation of the Security Council with regional organizations and countries in the region concerned.
3. Adoption of formal rules of procedure of the Security Council, after appropriate consultation with the general membership.
4. Review of the implementation of decisions of the Security Council.

**IV. Relationship between the Security Council and the General Assembly**

- Enhancement of the accountability of the Security Council to the general membership
- Submission of substantive and analytical annual reports and, when necessary, of special reports of the Security Council to the General Assembly, pursuant to Articles 15(1) and 24(3), of the Charter of the United Nations
- Strengthening of the interrelationship among the Security Council and other United Nations principal organs, including through regular and institutionalized consultations, cooperation and adequate exchange of information

**V. Review mechanism**

- Review after 10-12 years or after 15-16 years, taking into account the terms for the seats
- Comprehensive reassessment, including the composition and working methods of the Council

**Elements for a General Assembly resolution  
on the enlargement of the Security Council  
– intermediate model**

*The General Assembly,  
[preamble]*

*Decides to expand the membership of the Security Council as follows:*

**Part I: Enlargement of the Security Council**

**Size**

1. The membership of the Security Council shall be increased from fifteen to [xx<sup>1</sup>].

**Membership**

2. The following six additional members shall be elected to serve on a permanent basis for renewable terms of [8/10]<sup>2</sup> years:

- I. two from African States
- II. two from Asian States
- III. one from Latin American and Caribbean States
- IV. one from Western European and Other States

3. *[insert paragraph on additional non-permanent members]*

**Elections of the new members**

4. Elections to fill the seats created pursuant to paragraphs 2 and 3 above shall be held after the entry into force of the amendments annexed to the present resolution and simultaneously with the regular elections of non-permanent members of the Security Council. The elections shall be held in accordance with the relevant rules of procedure of the General Assembly.

5. Candidates for seats created pursuant to paragraph 2 above shall not be eligible to serve as non-permanent members in accordance with article 23, paragraph 2, of the UN Charter for the following [8 / 10] calendar years.

6. The expanded Council shall take up its work on 1 January of the calendar year following the elections held in accordance with paragraph 4 above.

**Charter amendments**

7. The Charter amendments necessary for the implementation of the present resolution are contained in the Annex to the present resolution and adopted simultaneously.

**Ratification**

8. Member States are called upon to ratify the amendments contained in the Annex to the present resolution, in accordance with their respective constitutional processes, by ... 2010.

**Review**

9. [16/20] years after the first elections held in accordance with paragraph 4 above, the General Assembly shall review the situation created by the entry into force of the Charter amendments contained in the Annex to the present resolution. The review shall include consideration of the categories of seats, the creation of additional seats of any category, including permanent seats, a review of the question of the veto as well as the implementation of the measures to improve the working methods of the Council contained in ...<sup>3</sup>

<sup>1</sup> The question of creation of new non-permanent seats in the sense of article 23.2 of the UN charter is not addressed in these elements, cf. OP 3, which serves as a placeholder for the scenario where additional two-year seats are created.

<sup>2</sup> The numbers in square brackets are meant to reflect a middleground and would be subject to negotiation.

<sup>3</sup> It is understood that the General Assembly will simultaneously decide on a set of measures dealing with the working methods of the Council. This can either be done in a separate part of the resolution or in a stand-alone resolution that is adopted at the same time as the resolution dealing with the enlargement of the Council.

**[Part II: Working Methods of the Security Council]**

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**Annex: Amendments to the United Nations Charter**

Article 23, paragraph 1: The Security Council shall consist of [xx] members of the United Nations. China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect [yy] other Members of the United Nations to be members of the Security Council, due regard being specially paid, in the first instance, to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, as well as equitable geographical distribution. Six elected members shall serve on a permanent basis for terms of [8/10] years and be eligible for immediate re-election.

*[add consequential Charter amendments to articles 27 (2), 27 (3), 109 (1) and (3) updating the respective numbers of affirmative votes required]*

**APPENDIX VIII**

<b>L69 DRAFT RESOLUTION 2012 REFORM OF THE SECURITY COUNCIL</b>	<b>CARICOM DRAFT RESOLUTION FEBRUARY 2013 REFORM OF THE SECURITY COUNCIL</b>
The General Assembly	The General Assembly
<i>Reaffirming</i> the aims and objectives of the Charter of the United Nations	
<i>Recalling</i> its resolutions 48/26 of 3 Dec 1993 and 53/30 of 1 Dec 1998 as well as its decisions 61/561 of 17 Sept 2007 and 62/557 of 15 Sept 2008	<i>Recalling</i> its resolutions 48/26 of 3 Dec 1993 and 53/30 of 1 Dec 1998 as well as its decisions 61/561 of 17 Sept 2007 and 62/557 of 15 Sept 2008
<i>Taking into account</i> the need to strengthen UN institutions in order to enhance the efficiency of the organization, especially its principal organs and, in particular, the General Assembly and the Security Council	
<i>Emphasizing</i> the need to strengthen the General Assembly which should be made to function effectively as the main deliberative and representative organ of the UN	
<i>Cognizant</i> of the primary responsibility of the Security Council for the maintenance of international peace and security under the Charter of the UN	<i>Cognizant</i> of the primary responsibility of the Security Council for the maintenance of international peace and security under the Charter of the UN
<i>Recalling</i> the resolve of world leaders, reflected in the 2005 World Summit Outcome, to support early reform of the Security Council as an essential element of overall efforts to reform the UN in order to make it more broadly representative, efficient and transparent and thus to further enhance its effectiveness and legitimacy and implementation of its decisions	<i>Recalling</i> the resolve of world leaders, reflected in the 2005 World Summit Outcome, to support early reform of the Security Council as an essential element of overall efforts to reform the UN in order to make it more broadly representative, efficient and transparent and thus to further enhance its effectiveness and legitimacy and implementation of its decisions
<i>Aiming</i> to expand the membership of the security Council to better reflect contemporary world realities, thereby enhancing the Council's responsiveness to the views and needs of all Member States, in particular developing countries, including small island developing and other small developing states, and ensuring the adoption of improved working methods	<i>Aiming to reform</i> the Security Council to better reflect contemporary world realities, thereby enhancing the Council's responsiveness to views and needs of all Member States, in particular developing countries, including small island developing and other small developing states, and ensuring the adoption of improved working methods
<i>Bearing in mind</i> the undeniable fact that in the year 1945, when the UN was formed, most of Africa was not represented	<i>Bearing in mind</i> the undeniable fact that in the year 1945, when the UN was formed, <u>several developing countries of the world, including Africa, were not represented</u>
<i>Resolves</i>	<i>Resolves</i>
<b>(1) Categories of membership</b> <i>To enlarge</i> the Security Council in both the permanent and non-permanent categories	<b>(1) Categories of membership</b> <i>To enlarge</i> the Security Council in both the permanent and non-permanent categories
<b>(2) The question of the veto</b> That the new permanent members shall have the same prerogatives and privileges of those of the current permanent members, including the right of veto	<b>(2) The question of the veto</b> That the new permanent members shall have the same prerogatives and privileges of those of the current permanent members, including the right of veto

<p style="text-align: center;"><b>L69 DRAFT RESOLUTION 2012 REFORM OF THE SECURITY COUNCIL</b></p>	<p style="text-align: center;"><b>CARICOM DRAFT RESOLUTION FEBRUARY 2013 REFORM OF THE SECURITY COUNCIL</b></p>
<p><b>(3) Regional Representation</b> That additional seats be elected by the General Assembly as follows:</p> <ul style="list-style-type: none"> <li>a) Two permanent seats and two non-permanent seats for African States with the African Group being responsible for the nomination of Africa's representatives</li> <li>b) Two permanent seats and one non-permanent seat for Asian States</li> <li>c) One non-permanent seats for Eastern European States</li> <li>d) One permanent seat and one non-permanent seat for Latin American and Caribbean States</li> <li>e) One permanent seat for Western European and other States</li> <li>f) one non-permanent seat for small island developing states across all regions</li> </ul> <p><i>Regional groups shall coordinate to ensure that there is regular representation for small developing states in the non-permanent category</i></p>	<p><b>(3) Regional Representation</b> That additional seats be elected by the General Assembly as follows:</p> <ul style="list-style-type: none"> <li>a) Two permanent seats and two non-permanent seats for African States with the African Group being responsible for the nomination of Africa's representatives</li> <li>b) Two permanent seats and one non-permanent seat for Asian States</li> <li>c) One non-permanent seats for Eastern European States</li> <li>d) One permanent seat and one non-permanent seat for Latin American and Caribbean States</li> <li>e) One permanent seat for Western European and other States</li> <li>f) one non-permanent seat for small island developing states across all regions</li> </ul> <p><i>Regional groups shall coordinate to ensure that there is regular representation for <u>Small Island Developing States</u> in the non-permanent category</i></p>
<p><b>(4) Size of an enlarged Council and working methods</b> <i>To increase the size of the Security Council membership from fifteen to twenty-seven and recommends to the expanded Security Council to continue to adapt its working methods so as to increase the involvement of States not members of the Council in its work, as appropriate, enhance its accountability to the membership and increase the transparency of its work; and invites the expanded Security Council in this regard to consider the measures contained in Annex A (to be specified)</i></p>	<p><b>(4) Size of an enlarged Council and working methods</b> <i>To increase the size of the Security Council membership from 15 to 27 and recommends to the expanded Security Council to continue to <u>improve</u> its working methods so as to increase the involvement of the States <u>non</u> members of the Council in its work, as appropriate, enhance its accountability to the membership and increase the transparency of its work; <u>and invites the expanded Security Council in this regard to consider the measures contained in Annex A (to be specified)</u></i></p>
<p><b>5) Relationship between the Security Council and the General Assembly</b> That appropriate measures should be adopted to enable the General Assembly to function effectively as the chief deliberative, policy-making and representative organ of the UN, including but not restricted to those listed in Annex B (to be specified)</p>	<p><b>5) Relationship between the Security Council and the General Assembly</b> That appropriate measures should be adopted to enable the General Assembly to function effectively as the chief deliberative, policy-making and representative organ of the UN, <u>including but not restricted to those listed in Annex B (to be specified)</u></p>
<p><b>Amendments</b> Resolves, following the elections as stipulated in paragraph 3 above, to amend the Charter of the UN no later than twelve weeks from the adoption of this resolution</p>	<p><b>Amendments</b> Resolves, following the elections as stipulated in paragraph 3 above, to amend the Charter of the UN no later than twelve weeks from the adoption of this resolution</p>
<p><b>Review</b> Resolves to provide for a review</p>	<p><b>Review</b> Resolves to provide for a review</p>

APPENDIX IX

TO: PERMANENT MISSION OF

FROM: DGACM/GAEAD

DATE: MON AUG 30 2010 15:38 EDT

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Revision 2 - updated as of: 27 August 2010

1. Categories of membership

Decides that the Security Council shall consist of [...]:

- 1.1 a. [...favours expansion in both the permanent and non-permanent categories of the Security Council.]
  - b. [This means the allocation no less than two permanent seats for Africa, with all the prerogatives and privileges of permanent membership to be extended to all permanent members, and of a total of 5 non-permanent seats; with the selection of all such representatives to be done by the African Union for submission to the General Assembly for election.]<sup>1</sup>
  
- 1.2 a. [*The preservation of the democratic principle lies at the heart of the legitimacy of any reform of the Security Council. The discipline of regular elections is irreplaceable in ensuring an accountable, accessible Security Council, one in which membership is earned as a privileged responsibility, not granted as a permanent right.*]<sup>2</sup>
  - b. [Longer term seats
    - Alternative options for duration of terms:
      - (A) A term of from three to five years without possibility of immediate reelection; or
      - (B) A term of two years with the possibility of up to two immediate re-elections. To be eligible to run afresh, Member States will have to give a break equivalent to the consecutive period served on the Council.]
    - c. [Regular non-permanent seats.
      - Seats for a two-year term without the possibility of immediate re-election...]
    - d. [Review after 10-12 years or after 15-16 years, taking into account the terms for the seats. Comprehensive reassessment, including the composition and working methods of the Council.]<sup>3</sup>
    - e. [*Regular non-permanent seats...as follows:*  
*Small States*<sup>4</sup>,  
*Medium-sized States*<sup>5</sup>,  
*Africa,*  
*Asia,*  
*Group of Latin American and Caribbean States,*  
*Eastern European Group.*]<sup>6</sup>
    - f. [*Arrangements for representation in respect of the seats, including re-election and rotation, should be decided by the respective regional groups.*]<sup>7</sup>
  
- 1.3 a. [The Security Council shall consist of ~~five~~ **thirty one** Members of the United Nations. The Republic of China, France, the ~~Union of Soviet Socialist Republic~~ **Russian Federation**, the United Kingdom of Great Britain and Northern Ireland, ~~and~~ the United States of America and **eight others to be elected as herein set forth**, shall be permanent members of the Security Council. The General Assembly shall elect **eighteen**

<sup>1</sup> African Group, see Annex pp1-5  
<sup>2</sup> Inserted as per Uniting for Consensus letter dated 19 May 2010  
<sup>3</sup> Italy and Colombia, see Annex pp55-58  
<sup>4</sup> Population below 1 million, that is, 42 countries, of which 37 have never been elected to the Security Council. Of the 37 never elected: 4 are from Africa; 11 are from Group of Latin American and Caribbean States; 15 are from Asia; 1 is from Eastern European Group; 6 are from Western European and Others Group.  
<sup>5</sup> Population between 1 million and 10 million, that is, 71 countries, of which 27 have never been elected to the Security Council.  
<sup>6</sup> Moved from paragraph 3.4 as per Uniting for Consensus letter dated 19 May 2010  
<sup>7</sup> Inserted as per Uniting for Consensus letter dated 19 May 2010

APPENDIX IX

TO: PERMANENT MISSION OF

FROM: DGACM/GREAU

DATE: MON AUG 30 2010 15:38 EDT

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Revision 2 - updated as of: 27 August 2010

- members of the United Nations to be non-permanent members of the Security Council....]
- b. [...The first new permanent members shall serve for a term of five years. After the expiration of such a term the regional groups shall decide among themselves which member states in their groups shall succeed the retiring member and which shall enjoy full permanent status. Should any group be unable to do so, the successor will serve for a term of five years, which shall be the scheme until the region shall have decided on the member states in the region to serve as full permanent member.]
- c. [The non-permanent members of the Security Council shall be elected for a term of two years.]
- d. [A retiring non-member shall not be eligible for immediate re-election.]<sup>8</sup>
- 1.4 a. [...enlargement is necessary both in the categories of permanent and non-permanent members.]
- b. [The General Assembly should elect a total of twelve members into the category of "non-permanent members with more frequent rotation". The members thus elected would serve every second two-year term within a period of twelve years. This means that there would be six non-permanent members with more frequent rotation in any given composition of the Security Council. They would be eligible for re-election every twelve years. After twelve years the General Assembly would review the system and elect the next group of members to serve within this category.]
- c. [The total number of seats of the enlarged Security Council in any given term would be twenty-five: Five current permanent members, six new permanent members, six non-permanent members with more frequent rotation and eight other non-permanent members.]
- d. [The amendment to the Charter related to the enlargement of the Security Council would need to include a review clause allowing for a comprehensive review of the new system. This review would be conducted twelve years after the entry force of the amendment.]<sup>9</sup>
- 1.5 a. [...favours expansion in both the permanent and non-permanent categories of membership in the Security Council.]
- b. [...calls for the establishment of a category of non-permanent membership in the Security Council explicitly for Small Island Developing States.]<sup>10</sup>
- 1.6 a. [...enlarge the permanent and non permanent membership of the Security Council.]<sup>11</sup>
- 1.7 a. [...favours the expansion, both in the category of permanent members and non-permanent ones]
- b. [...will not support any partial or selective expansion, nor any increase in the Council's membership to the detriment of developing countries.]
- c. [...does not favour the creation of new categories of members.]
- d. [The new members of the Security Council, including the new permanent ones, should enjoy the same rights and powers as current members of this organ.]
- e. [...would not be opposed to the immediate re-election of non-permanent members.]<sup>12</sup>

<sup>8</sup> Philippines, see Annex pp63-82

<sup>9</sup> Slovenia, see Annex pp83-85

<sup>10</sup> Caribbean Community (CARICOM), see Annex pp86-88

<sup>11</sup> Uruguay, see Annex pp89-90

<sup>12</sup> Cuba, see Annex pp95-101



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- 1.8 a. [Expansion in both permanent and non-permanent membership.]  
b. [Provision for a review.]<sup>13</sup>
- 1.9 a. [... six additional members shall be elected to serve on a permanent basis for renewable terms of [8/10]<sup>14</sup> years...]  
b. [Candidates for seats created pursuant to ... above shall not be eligible to serve as non-permanent members in accordance with article 23, paragraph 2, of the UN Charter for the following [8/10] calendar years.]  
c. [[16/20] years after the first elections held in accordance with paragraph 4 above, the General Assembly shall review the situation created by the entry into force of the Charter amendments contained in the Annex to the present resolution. The review shall include consideration of the categories of seats, the creation of additional seats of any category, including permanent seats, a review of the question of the veto as well as the implementation of the measures to improve the working methods of the Council.]<sup>15</sup><sup>16</sup>
- 1.10 a. [In a situation when positions...remain polar, one can advance in the negotiation process only by searching for a compromise. In these circumstances we believe it possible to look closer at the "interim model" as one of the options.]  
b. [So far we only have some general understanding of what the "interim model" is. If Member States opt for this particular variant of the Security Council enlargement, they would have to agree on its modalities.]<sup>17</sup>
- 1.11 a. [...supports the expansion of Security Council in both permanent and non-permanent membership.]  
b. [Due to the lack of consensus on this point, we believe that there is a need for preliminary progress along an interim path with the aim of the increasing of new permanent members.]  
c. [...a transitional interim formula ... could be implemented for a period of fifteen years, with a subsequent mandatory new round of evaluations. These assessments would be carried out through a review clause process.]<sup>18</sup>
- 1.12 a. [...support an expansion in both the permanent and non-permanent categories of members.]  
b. [With a view to breaking the deadlock in the negotiations, ... support a pragmatic intermediate solution that could provide for a new category of seats with a longer mandate than that of the members currently elected. On completion of this intermediate period, a review should take place to convert these new seats into permanent seats.]  
c. [Issues we need to consider during this UNGA include: the duration of the intermediate period, the size and composition of the Council during this phase, and the modalities of entry into force.]<sup>19</sup>

<sup>13</sup> L.69 Group, see Annex pp102-103

<sup>14</sup> The numbers in square brackets are meant to reflect a middleground and would be subject to negotiation.

<sup>15</sup> It is understood that the GA will simultaneously decide on a set of measures dealing with the working methods of the Council. This can either be done in a separate part of the resolution or in a stand-alone resolution that is adopted at the same time as the resolution dealing with the enlargement of the Council.

<sup>16</sup> Liechtenstein, see Annex pp104-107

<sup>17</sup> Russian Federation, see Annex pp108-111

<sup>18</sup> Peru, see Annex pp112-114

<sup>19</sup> United Kingdom and France, see Annex pp115-118

APPENDIX IX

TO: PERMANENT MISSION OF

FROM: DGACM/GREAFU

DATE: MON AUG 30 2010 15:38 EDT



Revision 2 - updated as of: 27 August 2010

- 1.13 a. [...*supportive of the compromise platform put forward by Columbia and Italy...committed to achieving a negotiated solution to the reform of the Security Council...*]
- b. [*Recognizing that contemporary world realities, in particular the substantial increase in membership of developing countries since 1963, requires an expansion of the Security Council, in the non-permanent category, in order to ensure fairer opportunities of participation for all Member States, Reaffirming that any expansion of the Security Council should make it more democratic, more equitably representative, more transparent, more effective and more accountable, Convinced that periodic elections and re-elections are the strongest means to promote real accountability, allow for frequent rotation and fair and equitable representation of the Member States in the Security Council*]<sup>20</sup>
- c. [Decides that the Security Council shall consist, in addition to the five permanent members as determined by Article 23, paragraph 1, of the Charter of the United Nations, of twenty elected Members of the United Nations serving on the Security Council for a two-year term...]
- d. [Non-permanent members may be eligible for immediate re-election, subject to the decision of their respective geographical groups.]<sup>21</sup>
- 1.14 a. [...adding six permanent and four non-permanent members.]
- b. [Decides also to review the situation created by the amendments ... fifteen years after their entry into force.]<sup>22</sup>
- 1.15 a. [...support for the expansion of the Security Council in both categories on the premise that the members of the Security Council contribute to the maintenance of international peace and security as well as to the other purposes of our Organization and that the principle of equitable geographical distribution be respected in conformity with Article 23 of Chapter V of the United Nations Charter.]
- b. [If our effort to reform were to lead us towards “the intermediate model”, ... would support it, if it were the wish of the highest number of Member States. Since such a solution would de facto establish a third category of members with longer and renewable mandates along with a review clause to be determined in order to address among other issues, the question of veto, it will be necessary to take into account the special interests of small States.]
- c. [... In the context of the “intermediate solution”, the States that will be candidates for the new seats, whose mandate would be longer (8 to 10 years) (third category of membership) should not be allowed to be candidates to a non permanent seat as currently defined in Article 23, with a two-year mandate.]<sup>23</sup>
- 1.16 a. [Member States are still seriously divided on the issue of “category”, with no general agreement reached on any solution so far. Member States still need to engage in patient consultations to seek a solution that accommodates each other’s interests and concerns.]<sup>24</sup>
- 1.17 a. [...favors the enlargement of the permanent and non permanent membership of the Security Council...]<sup>25</sup>

<sup>20</sup> Inserted as per Uniting for Consensus letter dated 19 May 2010

<sup>21</sup> Canada and Mexico, see Annex pp119-123, and Pakistan, see Annex pp151-156

<sup>22</sup> G-4, see Annex pp124-129

<sup>23</sup> Principality of Monaco, see Annex pp130-134

<sup>24</sup> Peoples' Republic of China, see Annex pp135-137

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- 1.18 a. [...open to the idea of enlargement in both the permanent and non-permanent category.]  
b. [On the idea of an interim solution creating a third category of seats ... ready to assess interim solutions that would allow for the testing of various models as long as they contain a clear review clause.]<sup>26</sup>
- 1.19 a. [...the only realistic way is to expand the non permanent category first.]<sup>27</sup>
- 1.20 a. [The regular elections in the Security Council make it accountable and accessible where membership is earned as a privileged responsibility and not granted as a permanent right.]<sup>28</sup>
- 1.21 a. [The Security Council will be composed of twenty-five (25) members of the United Nations chosen by the General Assembly according to a geographically equitable distribution of rotating character, with the same rights and obligations established by the Charter.]  
b. [The members of the Security Council will be chosen by a period of 4 years. The exiting members will not be eligible for the subsequent period.]<sup>29</sup>
- 1.22 a. [...reaffirms its commitment to the 2005 UfC platform as contained in A/59/L.68. In an effort to move the negotiation forward...presents the following as a possible compromise option...]  
b. [Create longer-term seats<sup>30</sup> and expand current two-year term seats. For instance, 7 longer-term seats and 3 two-year regular seats can be added to the current 15 seats.]  
c. [Conduct comprehensive review on the reform 10 to 15 years after the entry into force of the reform including the composition and the working methods of the Security Council.]<sup>31</sup>
- 1.23 a. [...support to the G4 proposal...]  
b. [...remains committed to an enlargement of the Council with both permanent and non-permanent members.]  
c. [... ready to look at other solutions that would allow for the testing of various models, which could garner wide-spread support among members, provided they contain a clear review-clause.]<sup>32</sup>
- 1.24 a. [...open in principle to a modest expansion of both permanent and non-permanent members, though any consideration of an expansion of permanent members must be country-specific, rather than regionally-based.]  
b. [For any new permanent members, the criteria for selection should begin with the same criteria for non-permanent membership laid out in Article 23 of the Charter, namely that due regard shall be specifically paid in the first instance to the contribution of Members]

<sup>25</sup> Bolivarian Republic of Venezuela, see Annex pp138-143

<sup>26</sup> Norway, see Annex pp144-147

<sup>27</sup> Democratic People's Republic of Korea, see Annex pp148-150

<sup>28</sup> Pakistan, see Annex pp151-156

<sup>29</sup> Plurinational State of Bolivia, see Annex pp157-170

<sup>30</sup> Regarding the longer-term seats, the length of the term is negotiable.

<sup>31</sup> Republic of Korea, see Annex pp171-174

<sup>32</sup> Denmark, see Annex pp175-178

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of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization.]<sup>33</sup>

- 1.25 a. [Reaffirming that any expansion of the Security Council should make it more democratic, more equitably representative, more transparent, more effective and more accountable.]

b. **[Amendments to Article 23**

*Decides*, in view of the above, to adopt the following amendments to the Charter and to submit them for ratification by the States Members of the United Nations;

*Decides* that Article 23, paragraphs 1 and 2, of the Charter of the United Nations will read as follows:

1. The Security Council shall consist of twenty-five Members of the United Nations. France, the People's Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect twenty other Members of the United Nations to be nonpermanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.
  2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from fifteen to twenty-five, five of the retiring members shall continue for one more year.]<sup>34</sup>
- 1.26 a. [...favors expansion in both the permanent and non-permanent categories of the Security Council. This means the allocation of one permanent seat for Latin America and the Caribbean, with all the prerogatives and privileges of permanent membership to be extended to all permanent members and a total of 4 non-permanent seats for GRULAC.]
- b. [...does not support the idea of having a transitional interim formula for the reform of the Security Council]<sup>35</sup>

<sup>33</sup> United States of America, see Annex pp179-180

<sup>34</sup> Inserted as per Pakistan letter dated 14 May 2010

<sup>35</sup> Inserted as per El Salvador letter dated 8 March 2010

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**2. The question of the veto**

*Decides:*

- 2.1 a. [...veto should be abolished but so long as it exists, it should be extended to all members of the permanent category of the Security Council, who must in this regard enjoy all the prerogatives and privileges of permanent membership in the permanent category including the right of the veto as a matter of common justice;]<sup>36</sup>
- 2.2 a. [A permanent member casting a non-concurring vote in the sense of article 27, paragraph 3 of the Charter **should explain** the reason for doing so at the time the relevant draft resolution is considered, and a copy of the explanation should be circulated as a Security Council document.]  
b. [Permanent Members should commit themselves to not casting a non-concurring vote in the sense of article 27, paragraph 3 of the Charter in the event of **genocide, crimes against humanity and serious violations of international humanitarian law.**]  
c. [Permanent Members of the Security Council, when casting a negative vote, could state that this is **not a non-concurring vote in the sense of article 27, paragraph 3, of the Charter.**]<sup>37</sup>
- 2.3 a. [Majority required for adoption of substantive decisions in an enlarged Security Council, in accordance with Article 27 of the Charter of the United Nations:  
- Present ratio, that is, 3/5 (60 per cent) of the total Security Council membership, or a greater ratio]  
b. [Options on the question of the veto:  
-Abolition of the veto.  
-Limitations in respect of the scope of the veto: inter alia, application of the veto only on **Chapter VII-related matters.**]<sup>38</sup> <sup>39</sup>  
c. [...**comprehensive reassessment, including the composition and working methods of the Council.**]<sup>40</sup>
- 2.4 a. [Each member of the Security Council shall have one vote.]  
b. [Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.]  
c. [Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that in decisions under Chapter VI, and under paragraph 3 or article 52, a party to a dispute shall abstain from voting.]  
d. [**The concurrence shall not, however, be required in matters involving genocide, war crimes, crimes against humanity, ethnic cleansing and terrorism, as well as on recommendations under Articles 4(2), 5, 6, 94(2) and 97 and on a matter under Article 96(1).**]  
e. [**The negative vote of a permanent member in the exercise of its veto power must be explained.**]  
f. [**A negative vote of a permanent member of the Security Council, cast on decisions covered by the immediately preceding paragraph, maybe be overturned or set aside**

<sup>36</sup> African Group, see Annex pp1-5

<sup>37</sup> S-5, see Annex pp16-47

<sup>38</sup> Amended as per Uniting for Consensus letter dated 19 May 2010

<sup>39</sup> Italy and Colombia, see Annex pp55-58

<sup>40</sup> Inserted as per Uniting for Consensus letter dated 19 May 2010

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**by a vote of an absolute majority of the General Assembly in regular or emergency special session, or by the Security Council itself by a vote of two-thirds of its members...**<sup>41</sup>

- 2.5 a. [The new permanent members elected to the Security Council following resolution..., will not be considered as part of the concurring majority of permanent members required in paragraph 3) of article 27 of the Charter.]  
 b. [The concurring vote of the permanent members required in para. 3 of article 27 of the Charter will only apply to the original permanent members of the Security Council. /the existing permanent members prior to resolution...]  
 c. [The newly elected permanent members of the Security Council (resolution...) will have no veto power and they will not be considered for the purpose of para. 3 of article 27 of the Charter.]<sup>42</sup>
- 2.6 a. [The reform of the Security Council...should aim at limiting and curtailing the use of the veto with a view to its elimination.]<sup>43</sup>
- 2.7 a. [...democratise the decision-making process of the Council, including by eliminating the undemocratic and anachronistic privilege of the veto.]  
 b. [Taking into account that it would not be realistic to achieve the elimination of the veto at this point, its use should at least be immediately limited and curtailed.]  
 c. [Additional actions regarding the veto should be implemented, *inter alia*:  
 - Overruling the veto within the Council by an affirmative vote of a certain number of Member States, commensurate with the size of an expanded Council,  
 - Overruling the veto by a two-third majority vote in the General Assembly under the Uniting for Peace procedure and under progressive interpretation of Articles 11 and 24 (1) of the Charter.]  
 d. [The concept of voluntary "self-restraint" in the use of the veto is insufficient and should not be considered as an option.]  
 e. [As long as the veto is not eliminated, the new permanent members shall be entitled to exercise it on an equal footing as the current permanent members, without establishing selective or discriminatory criteria]<sup>44</sup>
- 2.8 a. [...in the course of the negotiations we should talk not about prohibiting or restricting the use of the veto right by the existing Permanent Members of the Security Council – their prerogatives should remain intact under any variant of the Council reform – but rather about extending this right to the possible new Permanent Members of Security Council...Therefore, a detailed discussion of the veto can begin at a later stage of negotiations, after a new composition of the Security Council is defined.]<sup>45</sup>
- 2.9 a. [...eliminate the use of veto...]  
 b. [ ...in order not to paralyze the negotiation process...a commitment should be made to initial evaluation of limiting the use of veto, beginning with recognition of a rule that that has already been established within the organization's Charter...The third paragraph of Article 27 imposes limitations upon permanent members whereby they are unable to vote when they are parties to a dispute pertaining to decisions associated with Chapter Six of

<sup>41</sup> Philippines, see Annex pp63-82

<sup>42</sup> Uruguay, see Annex pp89-90

<sup>43</sup> Non-Aligned Movement, see Annex pp91-94

<sup>44</sup> Cuba, see Annex pp95-101

<sup>45</sup> Russian Federation, see Annex pp108-111

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the Charter, which concerns to pacific settlement of disputes, and decisions in relation to the third paragraph of Article 52, which also pertains to pacific settlement of disputes.]

c. [...it is also important to reach consensus whereby precise limits upon use of veto can be established, with elimination of the possibility of applying veto in cases of genocide, war crimes, crimes against humanity, and in situations of gross human rights violations.]

d. [...establish new working methods for voting formulas so that the number of votes needed to approve Council resolutions shall be changed. Under the third paragraph of Article 27, nine votes are currently needed, and the five permanent members should be included among those votes.]

e. [...one formula that could be evaluated is that, during the voting and in order for a veto to be effective, there should be a requirement for two permanent members to be making use of the veto simultaneously, and, in this way, an interpretation that the use of the veto reflects national interests should be avoided.]<sup>46</sup>

- 2.10 a. [...to amend also Article 27, paragraphs 2 and 3, and Article 109, paragraph 1, of the Charter to require the affirmative vote of fifteen of the twenty-five members of the Security Council.]<sup>47</sup>  
b. [Restraint on the use of the veto.]<sup>48</sup>  
c. [...with a view to its eventual elimination]<sup>49</sup>
- 2.11 a. [...the new permanent members should have the same responsibilities and obligations as the current permanent members;]  
b. [...the new permanent members shall not exercise the right of veto until the question of the extension of the right of veto to new permanent members has been decided upon in the framework of the review....]<sup>50</sup>
- 2.12 a. [...favor putting an end to the undemocratic privileges derived from the use of veto. However and while we reach the necessary conditions for the elimination of the veto power...supports the extension of it to all members of the Security Council (both permanent and non-permanent), regulating and limiting its use to specific cases under Chapter VII of the Charter. Furthermore, we favor the requirement of two concurrent negative votes to prevent the adoption of a Council decision.]<sup>51</sup>
- 2.13 a. [...encouraged permanent members of the Council to restrict their use of the veto and abstain from using it in certain situations. We have also called for greater accountability by members using their veto powers. We remain open to proposals limiting the scope and application of the veto based on voluntary commitment by permanent members.]  
b. [...the right of the veto should not be extended to new members regardless of category.]<sup>52</sup>
- 2.14 a. **[The decisions of the Security Council on all other questions will be made by the affirmative vote of fifteen (15) members: but in decisions made by virtue of Chapter VI and of paragraph 3 of Article 52, the party in a controversy will abstain from voting.]**

<sup>46</sup> Peru, see Annex pp112-114

<sup>47</sup> Regarding paragraph 3 of Article 27, the requirement of the concurring votes of the permanent members is not amended.

<sup>48</sup> Canada and Mexico, see Annex pp119-123, and Pakistan, see Annex pp151-156

<sup>49</sup> Inserted as per Uniting for Consensus letter dated 19 May 2010

<sup>50</sup> G-4, see Annex pp124-129

<sup>51</sup> Bolivarian Republic of Venezuela, see Annex pp138-143

<sup>52</sup> Norway, see Annex pp144-147

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- b. [Regarding the articles relating to reform to the United Nations Charter, it is proposed that all forms of veto be eliminated, and that be an sovereign attribution under equal conditions for all Member States of the United Nations:]<sup>53</sup>
- 2.15 a. [Limit the use of veto.]<sup>54</sup>
- 2.16 a. [...not extending veto powers to additional members – regardless of category...]  
b. [...the veto should be restrained and permanent members should abstain from using it in certain situations – not least R2P situations.]<sup>55</sup>
- 2.17 a. [We are not open to a Charter amendment that alters the current veto structure. In view of the Charter requirements, it is unlikely that a Charter amendment extending the veto to new permanent members could be adopted.]<sup>56</sup>
- 2.18 a. [*Decides* to amend also Article 27, paragraphs 2 and 3, and Article 109, paragraph 1, of the Charter to require the affirmative vote of fifteen of the twenty-five members of the Security Council.]<sup>57</sup>
- 2.19 a. [...to eliminate the use of the veto, but so long as it exists, it should be extended to all members of the permanent category of the Security Council, who must in this regard enjoy all the prerogatives and privileges of permanent membership in the Security Council]<sup>58</sup>

<sup>53</sup> Plurinational State of Bolivia, see Annex pp157-170

<sup>54</sup> Republic of Korea, see Annex pp171-174

<sup>55</sup> Denmark, see Annex pp175-178

<sup>56</sup> United States of America, see Annex pp179-180

<sup>57</sup> Inserted as per Pakistan letter dated 14 May 2010

<sup>58</sup> Inserted as per El Salvador letter dated 8 March 2010



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**3. Regional representation***Decides that the members of the Security Council shall be elected accordingly:*

- 3.1 a. [... a reform that will ensure Africa's legitimate right to fair and equitable geographical representation in the Security Council, taking into account the principles, objectives and ideals of the UN Charter for a fairer world based on universalism, equity and regional balance within the UN system;]  
 b. [... selection of all ... representatives to be done by the African Union for submission to the General Assembly for election;]  
 c. [... allocation of no less than two permanent seats for Africa...]  
 d. [... allocation... of a total of five non-permanent seats [for Africa]]<sup>59</sup>
- 3.2 a. [... any reform of the Security Council must ensure adequate representation of the OIC Member States in any category of membership of the expanded Security Council.]  
 b. [... any reform proposal which neglects the adequate representation of the Islamic Ummah in any category of membership in an expanded Security Council will not be acceptable to the Islamic World.]  
 c. [... increased role of regional groups in determining their representation on the Security Council.]  
 d. [... increase the representation of developing countries...]<sup>60</sup>
- 3.3 a. [... the Arab States... demanded a permanent Arab representation in any future expansion in the category of permanent membership of the Security Council...]<sup>61</sup>
- 3.4 a. [Longer-term ... seats allocated to the regional groups, as follows:  
 Africa,  
 Asia,  
 Asia/Africa (on a rotational basis),  
 Group of Latin America and Caribbean States,  
 Western European and Others Group/Eastern European Group (on a rotational basis)]<sup>62</sup>  
 b. [Arrangements for representation in respect of the seats, including re-election and rotation, should be decided by the respective regional groups.]<sup>63</sup>  
 c. [*To be eligible to run afresh, Member States will to give a break equivalent to the consecutive period served on the Council*]  
 d. [*comprehensive reassessment, including the composition and working methods of the Council*]<sup>64</sup>
- 3.5 a. [... emphasize that existing regional groups should be maintained.]  
 b. [... any increase in the non-permanent membership of the Security Council should ensure an enhanced representation of the Eastern European Group by the allocation to the said Group of at least one additional non-permanent seat in the enlarged Council.]<sup>65</sup>
- 3.6 a. [... The General Assembly shall elect ... non-permanent members of the Security Council, due regard being especially paid, in the first instance to the contribution of

<sup>59</sup> African Group, see Annex pp1-5<sup>60</sup> Organization of the Islamic Conference, see Annex pp6-15<sup>61</sup> Arab Group, see Annex pp48-52<sup>62</sup> Elements moved to paragraph 1.2 as per Uniting for Consensus letter dated 19 May 2010<sup>63</sup> Italy and Colombia, see Annex pp55-58<sup>64</sup> Inserted as per Uniting for Consensus letter dated 19 May 2010<sup>65</sup> Eastern European Group, see Annex pp59-62

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Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical or **balanced regional** distribution.]

b. **[The new permanent members of the Security Council shall be composed of two each for the African, the Asian, and the Latin American and the Caribbean Groups of States and one each for the Eastern European Group and the Western European and Other States group of states...]**

c. [The non-permanent members of the Security Council shall be elected for a term of two years. **The additional eight non-permanent members shall be composed of two each for the Africa, the Asian and the Latin American and Caribbean Groups of States, and one each for the Eastern European and Western European and other States group...**]

d. **[The regional groups, through consultations, must ensure that the additional seats for non-permanent members of the Security Council allotted to them shall be fairly, justly and equitably rotated among the member states in each group...]**<sup>66</sup>

- 3.7 a. [...the following distribution of additional permanent seats: Two for Africa, two for Asia, one for the Latin American and Caribbean and one for Western European and Others Group.]  
b. [Six among these [non-permanent] members [with more frequent rotation] would be from Africa and Asia, two from Latin America and the Caribbean, one from Eastern European group and three from the Western European and others group. The sequence of rotation would need to be determined by the General Assembly.]  
c. [Four among these [non-permanent] members [elected on the basis of the principle of equitable geographical distribution] would be from Africa and Asia, two from Latin America and the Caribbean, one from Western European and Others Group and one from Eastern European Group.]<sup>67</sup>
- 3.8 a. [...supports the legitimate aspirations of the African Group of countries in this regard.]<sup>68</sup>
- 3.9 a. [...support for the increased and enhanced representation for Africa in the reformed Security Council.]<sup>69</sup>
- 3.10 a. [The main objective of the expansion of the Council should be to rectify the current insufficient representation in that organ of developing countries from Africa, Asia, and Latin America and the Caribbean.]  
b. [Among the new permanent members, at least two countries from Africa, two developing countries from Asia, and two countries from Latin America and the Caribbean must be included.]<sup>70</sup>
- 3.11 a. [The distribution of seats must reflect the change in composition of the UN membership, and address the non-representation of some regions in the permanent

<sup>66</sup> Philippines, see Annex pp63-82

<sup>67</sup> Slovenia, see Annex pp83-85

<sup>68</sup> Caribbean Community (CARICOM), see Annex pp86-88

<sup>69</sup> Non-Aligned Movement, see Annex pp91-94

<sup>70</sup> Cuba, see Annex pp95-101

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membership category and the under-representation of developing countries in both membership categories.]<sup>71</sup>

- 3.12 a. [The following six additional members shall be elected to serve on a permanent basis for renewable terms of [8 / 10]<sup>72</sup> years:
- two from African States,
  - two from Asian States,
  - one from Latin American and Caribbean States,
  - one from western European and Other States.]<sup>73</sup>
- 3.13 a. [...promoting options for equitable geographic distribution that can increase possibilities of presence for our region, as well as contributing to the objective of achieving more frequent participation in the Council...believes that geographic distribution reflects the spirit of the Charter, which takes individual and sovereign states into consideration under the principle of the sovereign equality of all members.]<sup>74</sup>
- 3.14 a. [...reaffirm the support...for the candidacy of Brazil, Germany, India and Japan for new permanent seats, along with representation for Africa among the permanent members of the Security Council.]<sup>75</sup>
- 3.15 a. [*Considering that the present composition of the Security Council is inequitable and unbalanced*]<sup>76</sup>
- b. [...the twenty non-permanent members of the Security Council shall be elected according to the following pattern: six from African States; five from Asian States; four from Latin American and Caribbean States; three from Western European and other States; two from Eastern European States.]
- c. [...each of the five existing geographical groups, as identified...above, shall decide on arrangements among its members for re-election or rotation of its members on the seats allotted to the Group; those arrangements shall also address, as appropriate, a fair subregional representation;]<sup>77</sup>
- d. [*taking into account equitable geographical distribution*]<sup>78</sup>
- 3.16 a. [Insofar as regional representation is concerned, our position is that this concept signifies equitable geographical distribution.]
- b. [...the six new permanent members of the Security Council shall be elected according to the following pattern:  
Two from African States;  
Two from Asian States;  
One from Latin American and Caribbean States;  
One from Western European and Other States;]
- c. [...the four new non-permanent members of the Security Council shall be elected according to the following pattern:  
One from African States;  
One from Asian States;

<sup>71</sup> L.69 Group, see Annex pp.102-103

<sup>72</sup> The numbers in square brackets are meant to reflect a middleground and would be subject to negotiation.

<sup>73</sup> Liechtenstein, see Annex p104-107

<sup>74</sup> Peru, see Annex pp112-114

<sup>75</sup> United Kingdom and France, see Annex pp115-118

<sup>76</sup> Inserted as per Uniting for Consensus letter dated 19 May 2010

<sup>77</sup> Canada and Mexico, see Annex pp119-123 and Pakistan, see Annex pp151-156

<sup>78</sup> Inserted as per Uniting for Consensus letter dated 19 May 2010

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- One from Eastern European States;  
One from Latin American and Caribbean States;]<sup>79</sup>
- 3.17 a. [Security Council reform should give top priority to increasing the representation of developing countries, especially that of African countries... The reform should be conducive to give more countries, small and medium-sized countries in particular, more opportunities to serve in the Security Council on a rotating basis to participate in its decision making process.]  
b. [New seats of the Security Council should be reasonably distributed. The principle of geographic balance should be adhered to, with representation of different civilizations and cultures taken into consideration.]<sup>80</sup>
- 3.18 a. [... support an expansion that addresses the under-representation of Africa, Asia and Latin America and the Caribbean in the Security Council, with members in both categories.]<sup>81</sup>
- 3.19 a. [The composition of the Council should better reflect the current configuration of the membership of the United Nations, including developing states and smaller states...]  
b. [While equitable geographic representation remains an important principle in the distribution of non-elected seats among regional groups, we should not forget that the Charter pays special regard to the contribution of Member States to the maintenance of international peace and security and to other purposes of the Organization...]  
c. [We maintain that only States can be members of the Security Council. We encourage States to consult with other members of their regional group and to ensure broad respect for the decisions of the Council. But it remains an open question how States could represent entire groups...]  
d. [The under-representation of African and Latin-American and Caribbean countries must be redressed. An enlargement should also take into account smaller states...]<sup>82</sup>
- 3.20 a. [The composition of the Security Council should be expanded on the basis of a principle of ensuring full representation of the Non-Aligned and developing countries.]  
b. [If the permanent category were expanded, new seats should be given to African region and other developing countries as the first priority. A country like Japan refusing the settlement of extra-large past crimes by all means should be off the list.]<sup>83</sup>
- 3.21 a. [...the equitable geographical distribution should be ensured by addressing the historical injustice with certain regions.]  
b. [...the opportunity for Member States to serve on the Security Council must be enhanced, particularly for groups which have been traditionally under-represented, such as small and medium States and Africa.]<sup>84</sup>
- 3.22 a. [...chosen by the General Assembly according to a geographically equitable distribution of rotating character...]<sup>85</sup>

<sup>79</sup> G-4, see Annex pp124-129

<sup>80</sup> People's Republic of China, see Annex pp135-137

<sup>81</sup> Bolivarian Republic of Venezuela, see Annex pp138-143

<sup>82</sup> Norway, see Annex pp144-147

<sup>83</sup> Democratic People's Republic of Korea, see Annex pp148-150

<sup>84</sup> Pakistan, see Annex pp151-156

<sup>85</sup> Plurinational State of Bolivia, see Annex pp157-170

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3.23 a.

Region	Permanent	Longer-Term*	Two-Year Term	Total
Africa	0	2	4	6
Asia	1	2	3	6
GRULAC	0	2	2	4
WEOG	3	1	2	6
EEG	1	0	2	3
Total	5	7	13	25

\* Regarding the longer-term seats, the length of the term is negotiable.

b. [Maintain existing five regional groups.]<sup>86</sup>

3.24

a. [...including both developing and developed countries as new permanent members]

b. [It is important to ensure that any reform takes full account of the need to give small states an opportunity to participate in the work of the Security Council.]<sup>87</sup>

3.25

a. [Decisions about new permanent members will be made primarily on the basis of a member's country-specific qualifications.]<sup>88</sup>

3.26

a. **[Distribution of seats**

*Decides* that, in order to implement paragraph 3 above, the twenty nonpermanent members of the Security Council shall be elected according to the following pattern: six from African States; five from Asian States; four from Latin American and Caribbean States; three from Western European and other States; two from Eastern European States;]

b. **[Limits to re-election and role of geographical groups**

*Recommends* that each of the five existing geographical groups, as identified in paragraph 4 above, shall decide on arrangements among its members for re-election or rotation of its members on the seats allotted to the Group; those arrangements shall also address, as appropriate, a fair sub-regional representation;]<sup>89</sup>

3.27

a. [...strongly believes that the reform of the Security Council must ensure the Latin America and the Caribbean's legitimate right to fair and equitable geographical representation in the Security Council.]

b. [On the other hand, ...underscores the importance of the respect for the principle of rotation in the election of non-permanent members of the Security Council in order to ensure a democratic access for small countries to the Council.]<sup>90</sup>

<sup>86</sup> Republic of Korea, see Annex pp171-174

<sup>87</sup> Denmark, see Annex pp175-178

<sup>88</sup> United States of America, see Annex pp179-180

<sup>89</sup> Inserted as per Pakistan letter dated 14 May 2010

<sup>90</sup> Inserted as per El Salvador letter dated 8 March 2010

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4. Size of an enlarged Council and working methods

Decides that the membership of the Security Council shall be increased from fifteen to:

- 4.1 a. [...a more representative and inclusive Council should consist of a total of 26;]<sup>91</sup>
- 4.2 a. [The exact number of seats will depend on the total size of the expansion and the distribution of those seats among various regions, taking into account equitable geographical distribution.]<sup>92</sup>  
b. [*comprehensive reassessment, including the composition and working methods of the Council*]<sup>93</sup>
- 4.3 a. [...shall consist of ~~[fifteen]~~ thirty one Members of the United Nations]<sup>94</sup>
- 4.4 a. [The total number of seats of the enlarged Security Council in any given term would be twenty-five....]<sup>95</sup>
- 4.5 a. [...not less than 26 members.]<sup>96</sup>
- ~~4.6 [...shall be increased from fifteen to ~~[six]~~]<sup>97</sup>]<sup>98 99</sup>~~
- 4.6 a. [...should not exceed a reasonable level of low twenties.]<sup>100</sup>
- 4.7 a. [...increasing the number of Security Council members to a “mid-twenties” level....]<sup>101</sup>
- 4.8 a. [...shall consist, in addition to the five permanent members as determined by Article 23, paragraph 1, of the Charter of the United Nations, of twenty elected Members of the United Nations serving on the Security Council for a two-year term...]<sup>102</sup>
- 4.9 a. [...increased from 15 to 25...]<sup>103</sup>
- 4.10 a. [...supports a Council expanded into the twenties at most.]<sup>104</sup>
- 4.11 a. [The Council should be enlarged to an extent that will enable it to fully redress the imbalance in its structure and increase the representation of developing countries.]<sup>105</sup>  
b. [The enlargement should also maintain an appropriate ratio in the numbers of Council members from different categories]<sup>106</sup>

<sup>91</sup> African Group, see Annex pp1-5  
<sup>92</sup> Italy and Colombia, see Annex pp55-58  
<sup>93</sup> Inserted as per Uniting for Consensus letter dated 19 May 2010  
<sup>94</sup> Philippines, see Annex pp63-82  
<sup>95</sup> Slovenia, see Annex pp83-85  
<sup>96</sup> Cuba, see Annex pp95-101  
<sup>97</sup> ~~The question of creation of new non-permanent seats in the sense of article 23 of the UN charter is not addressed in these elements of OP 3, which serves as a placeholder for the scenario where additional two-year seats are created.~~  
<sup>98</sup> Liechtenstein, see Annex pp104-107  
<sup>99</sup> Deleted as per Liechtenstein request during informal plenary on 16 June 2010  
<sup>100</sup> Russian Federation, see Annex pp108-111  
<sup>101</sup> Peru, see Annex pp112-114  
<sup>102</sup> Canada and Mexico, see Annex pp119-123, and Pakistan, see Annex pp151-156  
<sup>103</sup> G-4, see Annex pp124-129  
<sup>104</sup> Principality of Monaco, see Annex pp130-134  
<sup>105</sup> People's Republic of China, see Annex pp135-137  
<sup>106</sup> Inserted as per letter from the People's Republic of China dated 20 May 2010

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- 4.12 a. [...bring the size of the Council to approximately 26 members.]<sup>107</sup>
- 4.13 a. [...supports a balanced enlargement with a total number of members in the mid-20s.]<sup>108</sup>
- 4.14 a. [...a total number of the enlarged council members should be no less than 26.]<sup>109</sup>
- 4.15 a. [...propose an increase to 25 members...]<sup>110</sup>
- 4.16 a. [Increase the size of the Security Council from 15 to around 25 states.]<sup>111</sup>
- 4.17 a. [...a number of members somewhere in the mid-twenties would be suitable.]<sup>112</sup>
- 4.18 a. [...we are prepared to support only a modest expansion.]<sup>113</sup>
- 4.19 a. [...is flexible in supporting an increasing the total number of Security Council between 25 and 31 members.]<sup>114</sup>

*Calls for improving the working methods of the Security Council through:*

- 4.20 a. [To increase the number of public meetings, in accordance with Articles 31 and 32 of the Charter, and that these meetings should provide real opportunities to take into account the views and contributions of the wider membership of the UN, particularly non-Council members whose affairs are under discussion of the Council;]
- b. [To allow for briefings by the Special Envoys or Representatives of the Secretary-General and the UN Secretariat to take place in public meetings, unless in exceptional circumstances;]
- c. [To enhance its relationship with the UN Secretariat and troop contributing countries (TCC), including through a sustained, regular and timely interaction. Meetings with TCCs should be held not only in the drawing up of mandates, but also in their implementation, when considering a change in, or renewal of, or completion of a mission mandate, or when there is a rapid deterioration of the situation on the ground. In this context, the Security Council Working Group on Peacekeeping Operations should involve TCCs more frequently and intensively in its deliberations, especially in the very early stages of mission planning;]
- d. [To uphold the primacy of and respect for the Charter in connection with its functions and powers and in that regard to desist from the practice of engaging and initiating formal or informal discussions on the situation in any Member State of the United Nations or on any issue that does not constitute a threat to international peace and security, and contrary to the provisions of Article 24 of the Charter;]
- e. [To establish its subsidiary organs in accordance with the letter and spirit of the UN Charter, and that these organs should function in a manner that would provide adequate and timely information on their activities to the general UN membership;]

<sup>107</sup> Bolivarian Republic of Venezuela, see Annex pp138-143

<sup>108</sup> Norway, see Annex pp144-147

<sup>109</sup> Democratic People's Republic of Korea, see Annex pp148-150

<sup>110</sup> Plurinational State of Bolivia, see Annex pp157-170

<sup>111</sup> Republic of Korea, see Annex pp171-174

<sup>112</sup> Denmark, see Annex pp175-178

<sup>113</sup> United States of America, see Annex pp179-180

<sup>114</sup> Inserted as per El Salvador letter dated 8 March 2010

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- f. [To avoid any attempts to use the Security Council to pursue national political agendas and to ensure the necessity of non-selectivity and impartiality in the work of the Council, and the need for the Council to strictly keep within the powers and functions accorded to it by the Member States under the UN Charter;]
- g. [To refrain from resorting to Chapter VII of the Charter as an umbrella for addressing issues that do not necessarily pose a threat to international peace and security, and to fully utilize the provisions of other relevant Chapters, where appropriate, including Chapters VI and VIII, before invoking Chapter VII which should be a measure of last resort, if necessary;]
- h. [To avoid any recourse to the imposition or prolongation of sanctions or their extension by the Security Council against any State under the pretext or with the aim of achieving the political objectives of one or a few States, rather than in the general interest of the international community;]
- i. [To formalize the Rules of Procedure of the Security Council, which have remained provisional for more than 60 years, in order to improve on its transparency and accountability.]<sup>115</sup>
- 4.21 a. [...stressed that the UN Security Council should act in full transparency and accountability and expressed grave concern over the policies that have prevented this body from performing its main duty based on justice and thus undermined its credibility.]<sup>116</sup>
- 4.22 a. [**Briefings by UN officials** to the Security Council should as far as possible be made accessible to all member states, while consultations thereafter may be held in a private setting.]
- b. [**Consultations with non-members** should take place as part of the standard operating procedures (cf. articles 31 and 32 of the Charter). On matters discussed in private meetings, frequent, timely and substantive briefings should be offered to non-members.]
- c. [**Draft resolutions and presidential statements** should be made available to non-members of the Council as soon as they are introduced in informal consultations.]
- d. [The **tentative forecast** of the programme of work should be shared with the larger membership as soon as it is available followed by a briefing by the incoming Presidency. Regular updates of the programme of work should be offered on the website of the Council.]
- e. [**Best practices of consultations** between the Council and non-members should be incorporated in briefings given to newly elected members of the Council.]
- f. [The quality and frequency of **formal and informal reports on the work of subsidiary bodies** should be improved.]
- g. [Non-members should be offered opportunities, upon their request, to provide **substantive input to the work of subsidiary bodies.**]
- h. [If non-members participate in a meeting of the Council, the Presidency should ensure the right to be heard by letting those with a direct interest in the outcome speak prior to members.]
- i. [**“Arria-formula” meetings** should be used more frequently in a more flexible manner for informal exchanges with member states, organizations or individuals.]
- j. [The Council should report to non-members in a timely manner and in detail on its **missions**, including their budgetary aspects.]
- k. [A **lessons-learned group** should be established with the mandate to:

<sup>115</sup> African Group, see Annex pp1-5

<sup>116</sup> Organization of the Islamic Conference, see Annex pp6-15



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- Assess whether Security Council decisions have been implemented;
  - Analyze obstacles to implementation and reasons for non-implementation;
  - Suggest mechanisms or measures to enhance implementation.]
  - l. [Where decisions of the Security Council require implementation by all member states, the Council should ensure that the **ability of member states to implement decisions** is taken into account in the decision-making process.]
  - m. [**Key provisions of thematic resolutions** should be incorporated into country specific resolutions, where applicable.]
  - n. [**Standards of due process and rule of law** should be fully taken into account in the decision-making.]
  - o. [Where sanctions involve **lists of individuals or entities**, sanctions committees should establish fair and clear procedures for listing and delisting, reflecting standards of due process. These procedures should be shared with non-members.]
  - p. [Regular and timely consultations should be held at all stages and on all aspects of decision-making with **countries contributing civilian or military personnel** or substantive financial resources, as well as other countries that are directly affected by a peacekeeping operation.]
  - q. [Regular **strategic joint briefings**, both cross-cutting and on individual PKOs, should involve the DPKO/DFS, political-military experts of the Security Council and the troop-contributing countries.]
  - r. [**Best practices for authorising new missions** should be developed, including a set of principles based on the Brahimi report, as well as drafting guidelines for resolutions.]
  - s. [**A thorough lessons-learned study** on a peacekeeping operation after its termination (eg UNMEE) should be commissioned.]
  - t. [**Mandates should have clear strategic political objectives** and key benchmarks which the Secretary General can report against and which the Council can base its evaluations on.]
  - u. [Regular and timely dialogue with the Secretariat and TCCs on the **evaluation of operations** should be held to improve implementation thereof.]
  - v. [**Smooth transition from peacekeeping to peacebuilding** should be facilitated through early and continued cooperation with the Peace Building Commission.]
  - w. [The Security Council, in accordance with the provisions of Chapter VIII of the Charter, should enhance its **cooperation and consultations** on matters affecting the maintenance of international peace and security **with the relevant regional arrangements and agencies**, as appropriate.]<sup>117</sup>
- 4.23 a. [**Enhance transparency in the work of the Security Council, including through:**]<sup>118</sup>
- b. [Better access to information through open briefings.]
  - c. [Holding of Security Council meetings in an open format and keeping to a minimum closed meetings and informal consultations as the exception that they were meant to be.]
  - d. [Timely availability to non-Security Council members of draft resolutions and presidential statements.]
  - e. [Frequent, timely and qualitative briefings for non-Security Council members on the matters discussed in Council informal consultations and in the subsidiary bodies.]
  - f. [**Enhance access and participation of non-members of the Security Council in the work of the Council, including through:**]<sup>119</sup>

<sup>117</sup> S-5, see Annex pp16-47

<sup>118</sup> Inserted as per Uniting for Consensus letter dated 19 May 2010

<sup>119</sup> Inserted as per Uniting for Consensus letter dated 19 May 2010

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- g. [Full and more vigorous implementation of Articles 31 and 32 of the Charter of the United Nations within the context of the work of the Security Council and its subsidiary bodies]
- h. [Interaction of the Security Council with all interested and concerned parties, particularly in the decision-making process]
- i. [Timely decision on the format of meetings to allow the membership sufficient preparation.]
- j. [Establishing mechanisms to ensure that views and interests of Member States affected or concerned by any matter in the agenda, including troop-contributing countries and host countries, are heard and taken into account.]
- k. [Expansion of consultation and cooperation of the Security Council with regional organizations and countries in the region concerned.]
- l. [Adoption of formal rules of procedure of the Security Council, after appropriate consultation with the general membership.]
- m. [Review of the implementation of decisions of the Security Council.]<sup>120</sup>

- 4.24 a. [Any member of the United Nations which is not a member of the Security Council ~~may~~ **shall be invited** to participate, without a vote, in the discussions of any questions brought before the Security Council whenever ~~[the latter considers that]~~ the interests of that Member are especially **or directly** affected.]
- b. [...request the Security Council to favorably consider the following amendments to the current Provisional Rules of Procedure of the Security Council, thus:  
Deleting of the word **provisional** in the title of its current Rules of Procedure]
- c. [By adding new paragraphs to the following rules:

Rule 1

Meetings of the Security Council shall, with the exception of the periodic meetings referred to in Rule 4, be held at the call of the President at any time he deems necessary, but the interval between meetings shall not exceed fourteen days.

**Open debates on Security Council issues of utmost importance must be held as often as possible, with adequate prior notice to the members of the United Nations which are not members of the Security Council.]**

Rule 8

d. [The provisional agenda for a meeting shall be communicated by the Secretary General to the representatives of the Security Council at least three days before the meeting, but in urgent circumstances, it may be communicated simultaneously with the notice of the meeting.

**This provisional agenda shall likewise be communicated through the Security Council website to the members of the United Nations which are not members of the Security Council.]**

Rule 11

e. [The Secretary General shall communicate each week to the representatives of the Security Council a summary statement of matters of which the Security Council is seized and of the stage reached in their consideration.

**The Security Council shall also provide through its website the members of the United Nations which are not members of the Security Council with copies of such summary statements.]**

Rule 12

f. [The provisional agenda for each periodic meeting shall be circulated to the members of the Security Council at least twenty-one days before the opening of the meeting. Any

<sup>120</sup> Italy and Colombia, see Annex pp55-58

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subsequent change in or addition to the provisional agenda shall be brought to the notice of the members at least five days before the meeting. The Security Council may, however, in urgent circumstances, make additions to the agenda at any time during a periodic meeting. Copies of the provisional agenda shall be communicated to **the members of the United Nations which are not members of the Security Council through the Security Council website at least two days before the meeting.**

Rule 37

g. [Any member of the United Nations which is not a member of the Security Council **shall** be invited, ~~[as a result of a decision of the Security Council]~~ to participate, without a vote, in the discussion of any question brought before the Security Council when ~~[the Security Council considers that]~~ the interests of that member are especially or directly affected, or when a member brings a matter to the Security Council in accordance with Article 31(1) of the Charter.]

Rule 38

h. [Any member of the United Nations invited in accordance with the preceding rule, or in the application of Article 32 of the Charter, to participate in the discussions of the Security Council may submit proposals and draft resolutions. The proposals and draft resolutions ~~[may]~~ **shall** be put to a vote ~~[only]~~ at the request of the representative on the Security Council.]

Rule 40

i. [Voting in the Security Council shall be in accordance with the relevant Articles of the Charter and the Statute of the International Court of Justice. **It shall, however, be understood that in the elections of members of the International Court of Justice, the members of the Security Council shall, each have one vote in both its capacity as member of the Security Council and as member of the General Assembly which, upon resolution by the Security Council made at least two months before the election and communicated forthwith to the General Assembly, may be cast during the election in the General Assembly, or in a separate election in the Security Council simultaneously done with that in the General Assembly the results of which shall forthwith be reported to the latter.**]<sup>121</sup>

- 4.25 a. [...Instead of excessive and quick use of Chapter VII, efforts should be made to fully utilize the provisions of Chapters VI and VIII for the pacific settlement of disputes. Chapter VII should be invoked, as intended, as a measure of last resort.]
- b. [...The objectives of sanctions are not to punish or otherwise exact retribution on the populace. In this regard, the objectives of sanctions regimes should be clearly defined, and that its imposition should be for a specified timeframe and be based on tenable legal grounds, and that it should be lifted as soon as the objectives are achieved. The conditions demanded of the State or party on which sanctions are imposed should be clearly defined and subject to periodic review. Sanctions should be imposed only when there exists a threat to international peace and security or an act of aggression, in accordance with the UN Charter, and that it is not applicable "preventively" in instances of mere violation of international law, norms or standards.]
- c. [Transparency, openness and consistency are key elements that the Security Council should observe in all its activities, approaches and procedures...The Council must comply with the provisions of Article 31 of the Charter, which allow any non-Council member to participate in discussions on matters affecting it. Rule 48 of the Provisional Rules of Procedure of the Council should be thoroughly observed. Closed meetings and

<sup>121</sup> Philippines, see Annex pp63-82

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informal consultations should be kept to a minimum and as the exception they were meant to be.]

d. [The reform of the Security Council...should ensure that the agenda of the Council reflects the needs and interests of both developing and developed countries, in an objective, rational, non-selective and non-arbitrary manner.]

e. [The Rules of Procedures of the Security Council, which have remained provisional for more than 60 years, should be formalized in order to improve its transparency and accountability.]

f. [*Call on* the Council to increase the number of public meetings, in accordance with Articles 31 and 32 of the Charter, and that these meetings should provide real opportunities to take into account the views and contributions of the wider membership of the UN, particularly non-Council members whose affairs are under the discussion of the Council;]

g. [*Call on* the Security Council to allow briefings by the Special Envoys or Representatives of the Secretary-General and the UN Secretariat to take place in public meetings, unless in exceptional circumstances;]

h. [*Call on* the Security Council to further enhance its relationship with the UN Secretariat and troop contributing countries (TCC), including through a sustained regular and timely interaction. Meetings with TCCs should be held not only in the drawing up of mandates, but also in their implementation, when considering a change in, or renewal of, or completion of a mission mandate, or when there is a rapid deterioration of the situation on the ground. In this context, the Security Council Working Group on Peacekeeping Operations should involve TCCs more frequently and intensively in its deliberations, especially in the very early stages of mission planning;]

i. [*Call upon* the Security Council to uphold the primacy of and respect for the Charter in connection with its functions and powers and stresses once again that the decision by the Security Council to initiate formal or informal discussion on the situation in any Member State of the United Nations or any issue that does not constitute a threat to international peace and security is contrary to Article 24 of the Charter.]

j. [*Call on* the Council to establish its subsidiary organs in accordance with the letter and spirit of the UN Charter, and that these organs should function in a manner that would provide adequate and timely information on their activities to the general UN membership;]

k. [*Call on* the Council to avoid resorting to Chapter VII of the Charter as an umbrella for addressing issues that do not necessarily pose a threat to international peace and security, and to fully utilize the provisions of other relevant Chapters, where appropriate, including Chapter VI and VIII, before invoking Chapter VII which should be a measure of last resort, if necessary;]<sup>122</sup>

4.26 a. [There will not be a true reform of the working methods while there is a Security Council that is not expanded in both categories of members and developing countries are not adequately represented there.]

b. [Transparency, openness and consistency are key elements that the Security Council should observe in all its activities, approaches and procedures.]

c. [In accordance with Articles 31 and 32 of the Charter, the Security Council should, as a general rule, meet in a public format open to all Member States of the United Nations. To ensure that these meetings provide real opportunities to take into account the views and contributions of the wider membership of the UN, particularly non-Council members

<sup>122</sup> Non-Aligned Movement, see Annex pp91-94

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- whose affairs are under the discussion of the Council. Closed meetings and informal consultations should be kept to a minimum and as the exception they were meant to be.]
- d. [The Security Council should, in a timely fashion and whenever appropriate, hold substantive orientation debates open to all Member States on matters under its consideration.]
- e. [Briefings by the Special Envoys or Representatives of the Secretary-General and the UN Secretariat should take place in public meetings, unless in exceptional circumstances.]
- f. [When a non-Council member requests a meeting of the Security Council in accordance with Article 35 of the Charter, the requested meeting should be promptly convened by the Council.]
- g. [The Rules of Procedure of the Security Council, which have remained provisional for more than 60 years, should be formalised in order to improve their transparency and accountability.]
- h. [The Security Council should ensure that its monthly assessments are comprehensive and analytical, and issued in a timely fashion.]
- i. [The State in question should be allowed to participate in the discussions of the Council on matters directly affecting such State, under Article 31 of the Charter.]
- j. [To ensure that the views of Member States, obtained through Public Debates on cross-cutting thematic issues, are reflected in relevant resolutions and presidential statements adopted thereafter, instead of the current practice of adopting resolutions and presidential statements without reference to such discussions.]
- k. [Subsidiary organs of the Council should function in a manner that would provide adequate and timely information on their activities to the general UN membership. In this context, to ensure that non-Members are given access to subsidiary organs of the Council, including the right to participate as appropriate.]
- l. [The agenda of the Council should reflect the needs and interests of both developing and developed countries, in an objective, rational, non-selective and non-arbitrary manner.]
- m. [Sanctions should be considered to be imposed only after all means of peaceful settlement of disputes under Chapter VI of the Charter have been exhausted and a thorough consideration undertaken of the short-term and long-term effects of such sanctions. The imposition of sanctions should be for a specified timeframe and be based on tenable legal grounds, and that it should be lifted as soon as the objectives are achieved. The conditions demanded of the State or party on which sanctions are imposed should be clearly defined and subject to periodic review. Sanctions should be imposed only when there is a threat to international peace and security or an act of aggression, in accordance with the Charter.]
- n. [Security Council should further enhance its relationship with the UN Secretariat and troop contributing countries (TCC), including through a sustained, regular and timely interaction. Meetings with TCCs should be held not only in the drawing up of mandates, but also in their implementation, when considering a change in, or renewal of, or completion of a mission mandate, or when there is a rapid deterioration of the situation on the ground.]
- o. [The Security Council can not resort to Chapter VII of the Charter as an umbrella for addressing issues that do not pose a threat to international peace and security, and should fully utilize the provisions of other relevant Chapters, where appropriate, including Chapters VI and VIII, before invoking Chapter VII which should be a measure of last resort, if necessary;]<sup>123</sup>

<sup>123</sup> Cuba, see Annex pp95-101

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- 4.27 a. [Comprehensive improvement in the working methods of the UNSC. This should, inter alia, address the issue of enhanced access and transparency to non-members, full implementation of Articles 31 and 32 of the Charter, and involvement of Troop Contributing Countries in decision making on all aspects of peacekeeping operations.]<sup>124</sup>
- 4.28 a. [Working methods of the Security Council have to be improved. It should be done in a transparent way based on the opinions of the Member States. However, the prerogative in this process should belong to the Security Council itself. Thus...it would be appropriate to withdraw the Security Council working methods from the list of key issues subject to a possible review of the Security Council reform after the Member States come in the course of the intergovernmental talks to a package arrangement on the Council reform issue. Both the Security Council working methods and the current Security Council Permanent Members' veto right issue should not be among the topics subject to the Security Council review process.]<sup>125</sup>
- 4.29 a. [...recognizes that, in recent years, the Security Council has adopted measures with the purpose of achieving greater transparency in its work. Nevertheless, it believes that self-evaluation still needs to be completed so as to allow identification of new measures that should be implemented in order to increase the effectiveness and efficiency of its work.]  
b. [It is important to provide greater access to information along with ways for non-members of the Council to participate in its work, as well as to ensure not only that the flow of information shall be fast but that its content shall be substantive, instead of merely being referential.]<sup>126</sup>
- 4.30 a. [Procedures to guarantee transparency in decision-making, accountability in performance and access to information, including open briefings and interaction with all interested parties;]  
b. [Access and better participation of non-member States of the Security Council in the work of the Security Council;]  
c. [Adoption and circulation of formal rules of procedure;]  
d. [*Underlines*, in addition to the provisions...above, the need to elaborate further provisions through consultations among Member States.]<sup>127</sup>  
e. [*Stressing the urgent need to improve the working methods of the Security Council...in particular the question of transparency in decision-making; accountability; fairer opportunities of participation of Member States; better access to information by all Member States and restrictions on the veto power...with a view to its eventual elimination*]  
f. [*Restraint on the use of the veto*]  
g. [*Consultation, cooperation and adequate exchange of information with the General Assembly and the Economic and Social Council*]<sup>128</sup>
- 4.31 a. [As a general rule, meet in a public forum open to all Member States of the United Nations. Exceptionally, the Security Council may decide to meet in private;]

<sup>124</sup> L.69 Group, see Annex pp102-103

<sup>125</sup> Russian Federation, see Annex pp108-111

<sup>126</sup> Peru, see Annex pp112-114

<sup>127</sup> Canada and Mexico, see Annex pp119-123, and Pakistan, see Annex pp151-156

<sup>128</sup> Inserted as per Uniting for Consensus letter dated 19 May 2010

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- b. [Implement Articles 31 and 32 of the Charter by consulting with non-Security Council members on a regular basis, especially members with a special interest in the substantive matter under consideration by the Council;]
  - c. [Grant non-members access to subsidiary organs of the Council, including the right to participate, as appropriate;]
  - d. [Make available to non-members of the Council draft resolutions and presidential statements, as well as other draft documents that are tabled at informal consultations of the whole of the Council for action on its agenda items, as soon as such documents are tabled, or earlier, if so authorized by the author of the draft;]
  - e. [Hold frequent, timely and qualitative briefings for non-members on the matters discussed in the Security Council and its subsidiary organs, including briefings on its ad hoc missions, their terms of reference and the findings of such missions;]
  - f. [Hold regular and timely consultations with troop-contributing countries and countries that contribute financial resources, as well as other countries that are directly concerned or affected by a peacekeeping operation, as appropriate, before and during the decision-making process for the establishment, conduct, review and termination of peacekeeping operations, including the extension and change of mandates, as well as for specific operational issues;]<sup>129</sup>
- 4.32 a. [Indubitably, the members of the Security Council have been improving its working methods since the establishment of the Working Group and they have the capacity to adopt its own rules of procedure. Nevertheless, the undertaking of the reform justifies the participation of all Members of the General Assembly.]<sup>130</sup>
- 4.33 a. [It is necessary for the Council to continue to take stock of its experience and best practices, increase transparency of its work, and heed and respect the views of Member States.]<sup>131</sup>
- 4.34 a. [...we support the efforts to make open format meetings the rule and not the exception and to promote the participation of non-permanent members in all its deliberations and consultations.]<sup>132</sup>
- 4.35 a. [Simply enlarging the Council without making it more efficient will undermine the legitimacy of the Council]
- b. [...supports the concrete proposals put forward by the Group of Five Small States to improve the working methods of the Council: Better access for non-Members based on consultation, increased transparency in the workings of the Council, and accountability through substantive dialogue with the General Assembly.]<sup>133</sup>
- 4.36 a. [For a genuine Security Council reform, we should set it as the ultimate reform goal to ensure fairness and transparency in the Security Council activities.]<sup>134</sup>
- 4.37 a. [We require a Security Council that is agile and authoritative, but most importantly one that is open to the scrutiny of all members of the United Nations. The issue is not only

<sup>129</sup> G-4, see Annex pp124-129

<sup>130</sup> Principality of Monaco, see Annex pp130-134

<sup>131</sup> People's Republic of China, see Annex pp135-137

<sup>132</sup> Bolivarian Republic of Venezuela, see Annex pp138-143

<sup>133</sup> Norway, see Annex pp144-147

<sup>134</sup> Democratic People's Republic of Korea, see Annex pp148-150

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that, with few exceptions, the majority of its meetings be open, but also that the principal decisions not be negotiated "behind the scene" without recordkeeping or minutes.<sup>135</sup>

- 4.38 a. [Enhance transparency and access of non-members of the Security Council to the work of the Security Council, including through]
- b. [- more frequently holding Security Council meetings in an open format and keeping closed meetings to a minimum;]
- c. [- providing frequent, timely and quality briefings for non-members on the matters discussed in the informal consultations and in the subsidiary bodies;]
- d. [- fully implementing Articles 31 and 32 of the UN Charter in the work of the Council and its subsidiary bodies.]<sup>136</sup>
- 4.39 a. [...improving the working methods of the Council should be an integral part of a comprehensive reform. It is of utmost importance that the Council, when acting on the behalf of all the UN members, takes all possible steps to ensure maximum transparency and interaction with members outside the Council. Transparency should make it easier for non-Members who have a real interest in or knowledge of a matter to make a contribution.]<sup>137</sup>
- 4.40 a. [We are not open to a change to Article 30 of the Charter. The Council's working methods should be determined by the Council.]<sup>138</sup>
- 4.41 a. [Calls for improving the working methods of the Security Council in a transparent, inclusive and accountable manner, including in particular: Restraint on the use of the veto]<sup>139</sup>
- 4.42 a. [...strongly believes that the reform of the Security Council must ensure a more accessible, democratic, representative, accountable and more effective Security Council responding to the challenges and opportunities of the 21<sup>st</sup> century.]
- b. [...supports the proposals of the S-5 (Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland) on the improvement of the methods of work of the Security Council and underscores the importance of the Letter of the President of the Security Council (S/2006/507) in this regard. Both initiatives can contribute to the improvement of the access, the information sharing and transparency on the work of the Security Council.]
- c. [On the other hand, ...supports the Africa's position on the Council's Working Methods contained in the letter dated December 23, 2009 addressed by Ambassador Shekou M. Touray, Permanent Representative of Sierra Leone on behalf of the African Group to Ambassador Zahir Tanin, Permanent Representative of Afghanistan in his capacity as Chair of the intergovernmental negotiations on the Security Council reform.]<sup>140</sup>

<sup>135</sup> Plurinational State of Bolivia, see Annex pp157-150

<sup>136</sup> Republic of Korea, see Annex pp171-174

<sup>137</sup> Denmark, see Annex pp175-178

<sup>138</sup> United States of America, see Annex pp179-180

<sup>139</sup> Inserted as per Pakistan letter of 14 May 2010

<sup>140</sup> Inserted as per El Salvador letter dated 8 March 2010



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**5. Relationship between the Council and the General Assembly***Calls for improving the relationship between the Security Council and the General Assembly through:*

- 5.1 a. [To address the growing concerns by Member States of the gradual encroachment by the Security Council on and the erosion of the authority and mandate of the General Assembly by fully and speedily implementing the relevant provisions of General Assembly resolutions 51/193, 58/126 and 59/313;]
- b. [Council's submission in keeping with Article 24(3) of the United Nations Charter, more comprehensive and analytical reports to the General Assembly, consisting among other things, of assessment of the work of the Council, views expressed by its members as well as the rationale for taking or not taking action on all issues before it;]
- c. [Council's submission in accordance with Articles 15 and 24 of the United Nations Charter, special subject-oriented reports to the General Assembly for its consideration and on issues of current international concern;]
- d. [Ensuring that members are fully informed of the nature and scope of Council's activities not only through full and informative press releases, but also by effectively communicating their views on issues of concern taken by Council in its informal consultations. Convening more formal meetings and informal consultations involving the interested parties prior to the adoption of decisions to allow for wider participation;]
- e. [The provision of effective and timely flow and exchange of information between the two organs particularly through frequent and regular consultations between the Presidents of the General Assembly and the Security Council to review work plans and consult on specific issues of mutual concern. Such meetings can enhance more direct and dynamic exchanges between the two organs;]
- f. [Ensuring that the role and authority of the General Assembly including on questions relating to international peace and security be respected and to also guarantee the unfettered application of Articles 10-14 and 35 of the Charter and where appropriate Rules 7 to 10 of the Rules of Procedure of the General Assembly, which enable the Assembly to take urgent action; all of which provide a strong basis for the General Assembly to assert itself and prevent the erosion of its powers by the Security Council.]<sup>141</sup>
- 5.2 a. [...agreed that the General Assembly representing universal membership in accordance with the United Nations Charter, must be enabled to exercise its authority in addressing all major issues, including peace and security, development and human rights...further called for halting and reversing the encroachment by the Security Council on the Assembly's prerogatives and functions.]<sup>142</sup>
- 5.3 a. [The President of the Security Council should hold **regular consultations with the President of the General Assembly**, and the latter should ensure the timely provision of notice and updates of such meetings to the membership.]
- b. [The annual report of the Security Council should provide an **evaluation of the work of the Council pursuant to articles 15, paragraph 1 and article 24, paragraph 3** of the Charter.]
- c. [**Informal ways to engage with non-members in an interaction on the annual report**, in addition to the debate held by the General Assembly, should be established.]

<sup>141</sup> African Group, see Annex pp1-5<sup>142</sup> Organization of the Islamic Conference, see Annex pp6-15

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d. [Special subject-oriented reports should be submitted to the General Assembly, in accordance with Article 24, paragraph 3 of the Charter of the United Nations, including following consultations between the Presidents of the two organs.]<sup>143</sup>

- 5.4 a. [Enhancement of the accountability of the Security Council to the general membership.]
- b. [Submission of substantive and analytical annual reports and, when necessary, of special reports of the Security Council to the General Assembly, pursuant to Articles 15 (1) and 24 (3) of the Charter of the United Nations.]
- c. [Strengthening of the interrelationship among the Security Council and other United Nations principal organs, including through regular and institutionalized consultations, cooperation and adequate exchange of information.]<sup>144</sup>
- d. [*comprehensive reassessment, including the composition and working methods of the Council*]<sup>145 146</sup>

5.5 a. [[Amends]:  
Article 4  
The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly ~~[upon the recommendation of]~~ **in consultation with** the Security Council.]

Article 10  
b. [...deleting therefrom the clause **“except as provided in Article 12.”**]

Article 11  
c. [...deleting therefrom the clause in the second paragraph **“and, except as provided in Article 12.”**]

Article 12  
d. [While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly **may, if it so decides, [shall not] make [any] a recommendation with regard to that dispute or situation [unless the Security Council so requests].**]

Article 27  
e. [...adding thereto a paragraph 4 to read thus:  
**A negative vote of a permanent member of the Security Council, cast on decisions covered by the immediately preceding paragraph, may be overturned or set aside by a vote of an absolute majority of the General Assembly in regular or emergency special session, or by the Security Council itself by a vote of two-thirds of its members.**]

Article 97  
f. [The Secretariat shall comprise of a Secretary General and such staff as the Organization may require. The Secretary General shall be appointed by the General Assembly ~~[upon the recommendation of]~~ **in consultation with** the Security Council. He shall be the chief administrative officer in the Organization.]

Article 18  
g. [Each member of the General Assembly shall have one vote. **In the election of the Judges of the International Court of Justice such vote may be cast in the Security Council if such member is also a member of the Security Council or in the General Assembly under such procedure as may be prescribed by the Security Council.**]

<sup>143</sup> S-5, see Annex pp16-47

<sup>144</sup> Italy and Colombia, see Annex pp55-58

<sup>145</sup> Inserted as per Uniting for Consensus letter dated 19 May 2010

<sup>146</sup> Also supported by Mexico, Canada, Pakistan and Republic of Korea as per Uniting for Consensus letter dated 21 July 2010

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Article 24

h. [The Security Council shall submit annual and when necessary, special reports to the General Assembly. **The report must be in such format as to provide faithful substantive information on or arising from the proceedings or action taken by the Council on its agenda items and shall include the summary of the explanation of votes given by members of the Council.**]

i. [The foregoing notwithstanding, the Security Council shall release to the General Assembly periodic reports or substantive summaries on matters of which the Council is seized during the course of the year.]<sup>147</sup>

- 5.6 a. [The President of the Security Council and the President of the General Assembly should hold regular monthly consultations. If a certain situation arises, such consultations should be held more frequently.]  
b. [The Security Council should submit a more comprehensive and analytical annual report to the General Assembly, assessing the work of the Council, including such cases in which the Council has failed to act, as well as the views expressed by its members during the consideration of the agenda items under its consideration;]  
c. [The Security Council, pursuant to Articles 15 (1) and 24 (3) of the UN Charter, should submit special reports for the consideration of the General Assembly;]  
d. [The Security Council must fully observe all Charter provisions as well as all General Assembly resolutions, which clarify its relationship with the latter organ and other principal organs. Article 24 of the Charter does not provide the Security Council with the competence to address issues which fall within the functions and powers of the General Assembly and the ECOSOC, including in the areas of norm-setting, legislation, administrative and budgetary matters, and establishing definitions.]<sup>148</sup>
- 5.7 a. [Improved relationship between the UNSC and the UNGA. This should, inter alia, address improved reporting by the UNSC, regular consultations between the UNSC and the UNGA bodies, and strict adherence to their respective mandates.]<sup>149</sup>
- 5.8 a. [...supports reasonable and realistic proposals aimed at increasing the authority and effectiveness of the General Assembly. We suppose that any reform innovations should be based on strict observance of the distribution of prerogatives between the United Nations principal bodies as enshrined in the UN Charter.]  
b. [We are against any attempts to redistribute the powers of the main bodies of the Organization to the advantage of the General Assembly thus compromising the prerogatives of the UN Security Council. The UN Charter defines the Security Council and General Assembly as the two main bodies of the Organization.]<sup>150</sup>
- 5.9 a. [...it is essential to strengthen the institutional mechanisms of interaction between the Security Council and the General Assembly, especially those which are set out in the organization's Charter, such as indicated in the first paragraph of Article 15, which refers to the General Assembly's authority to obtain and to consider special and annual reports from the Security Council, and as indicated in the third paragraph of Article 24, which unequivocally mentions that the Security Council shall submit special and annual reports to the General Assembly for its consideration, if necessary.]<sup>151</sup>

<sup>147</sup> Philippines, see Annex pp63-82

<sup>148</sup> Cuba, see Annex pp95-101

<sup>149</sup> L.69 Group, see Annex pp102-103

<sup>150</sup> Russian Federation, see Annex 108-111

<sup>151</sup> Peru, see Annex pp112-114

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- 5.10 ~~[Consultation, cooperation and adequate exchange of information with the General Assembly and the Economic and Social Council;]<sup>153</sup>~~  
~~[Mindful also of the importance of strengthening the institutional balance and interrelationship among the General Assembly, the Security Council and the Economic and Social Council within the scope of the comprehensive reform of the United Nations]<sup>153 154</sup>~~
- 5.10 a. [We believe that these two organs should respect each other's distinct roles, in accordance with the relevant provisions of the Charter, and strive to secure the effective functioning of the United Nations as a whole.]  
b. [Hold regular consultations with the Presidents of the General Assembly and Economic and Social Council;]  
c. [Submit an annual report to the General Assembly providing a detailed substantive and comprehensive evaluation of the work of the Council pursuant to Articles 15 (1) and 24 (3) of the Charter;]  
d. [Submit, when necessary, special reports to the General Assembly, in accordance with Article 24 (3) of the Charter, for the consideration of the Assembly in accordance with Article 15 (1) of the Charter.]<sup>155</sup>
- 5.11 a. [...supports strengthening coordination and cooperation between the General Assembly and the Security Council. The Charter of the United Nations clearly defines the functions and powers of the General Assembly and the Security Council. These two principal organs should discharge their respective responsibilities entrusted by the Charter of the United Nations and complement each other.]<sup>156</sup>
- 5.12 a. [...this relationship should be developed under the provisions of the Charter, upon recognition of the deliberative and universal nature and broad competence of the General Assembly on matters or issues relating to the powers and functions of other UN bodies, including the Security Council. These provisions underline the superior status of the General Assembly in relation to the principal organs of the Organization. In that order:]  
b. [the President of the Security Council shall submit for consideration by the plenary of the General Assembly special and annual reports,]  
c. [the President of the Council shall submit to the General Assembly, in a plenary meeting, a detailed report on the implementation of the recommendations that the Assembly has issued and on situations likely to endanger international peace and security that the Assembly has addressed,]  
d. [the General Assembly should develop the unrestricted provisions in Article 12 of the Charter on the theme of peace and security;  
e. [the Security Council shall delimit its agenda to the powers and functions clearly regulated in the UN Charter],  
f. [the Security Council should prepare a final version of its rules and regulations, making specific mention of articles of the UN Charter which set out its powers and functions.]<sup>157</sup>

<sup>152</sup> Canada and Mexico, see Annex pp119-123, and Pakistan, see Annex pp151-156

<sup>153</sup> Inserted as per Uniting for Consensus letter dated 19 May 2010

<sup>154</sup> Deleted as per Uniting for Consensus letter dated 21 July 2010

<sup>155</sup> G-4, see Annex pp124-129

<sup>156</sup> China, see Annex pp135-137

<sup>157</sup> Bolivarian Republic of Venezuela, see Annex pp138-143

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- 5.13 a. [When, in a matter of great importance, the Security Council fails to adopt a determination, the General Assembly must have the power to review and decide on the topic.]<sup>158</sup>
- ~~5.15 [Enhance accountability of the Security Council to the general membership, including through submitting substantive and quality reports, both annual and special, of the Security Council to the General Assembly.]<sup>159 160</sup>~~
- 5.14 a. [Improving the working methods of the Council through better access, more transparency and openness will have a positive effect on the relationship between the Security Council and the General Assembly. In this regard the annual report of the Security Council to the General Assembly should be made as substantial and analytical as possible. Also the Council could hold an interactive discussion on the annual report when it is considered by General Assembly.]<sup>161</sup>
- 5.15 a. [Article 7 of the Charter lists the principal organs of the United Nations. Both the General Assembly and the Security Council are co-equal principal organs, and the existing Charter provisions adequately set out their respective complementary functions. We do not support subordination of either organ to the other.]<sup>162</sup>
- 5.16 a. [...to submit special reports to the General Assembly as required under Article 24 of the Charter, and Submission of more informative and analytical annual reports of the Security Council...]<sup>163</sup>
- 5.17 a. [...strongly believes that the two organs must work closely together, within their respective mandates, in their efforts to promote solutions to the current and potential challenges confronting the international community while strengthening interaction and cooperation between the Security Council and the General Assembly without encroaching on each other's areas of responsibilities as established in the Charter of the United Nations.]
- b. [In this regard, ... favors the following, inter alia:  
- Security Council's submission in keeping with Article 24(3) of the United Nations Charter, more comprehensive and analytical reports to the General Assembly, consisting among other things, of assessment of the work of the Security Council, views expressed by its members as well as the rationale for taking or not taking action on all issues before it.]
- c. [Ensuring that the role and authority of the General Assembly including on questions relating to international peace and security be respected and to also guarantee the unfettered application of Articles 10 and 14 and 35 of the Charter and where appropriate Rules 7 to 10 of the Rules of Procedures of the General Assembly, which enable the Assembly to take urgent action; all of which provide a strong basis for the General Assembly to assert itself and prevent the erosion of its powers by the Security Council.]<sup>164</sup>

<sup>158</sup> Plurinational State of Bolivia, see Annex pp157-170

<sup>159</sup> Republic of Korea, see Annex pp171-174

<sup>160</sup> Deleted as per Uniting for Consensus letter dated 21 July 2010

<sup>161</sup> Denmark, see Annex pp175-178

<sup>162</sup> United States of America, see Annex pp179-180

<sup>163</sup> Inserted as per Non-Aligned Movement letter dated 19 May 2010

<sup>164</sup> Inserted as per El Salvador letter dated 8 March 2010

