



*Ambassador, Permanent Representative of Cyprus  
to the United Nations*

20 March 2008

Excellency,

Following the meeting, last December, 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*, you requested the membership to establish an overarching process in order to produce a draft text that could form the basis for negotiations to reform the Security Council. We very much concurred with you at that time, as we do now, that a concrete draft proposal is necessary for member States to engage in negotiation and for the negotiation itself to be focused and result-oriented. Moreover, we have noted that the membership is, in principle, amenable to advancing to the next stage of the process that is intergovernmental negotiations.

In the period that has followed the last meeting of the OEWG, a group of drafters, acting in their personal capacity, have attempted to produce a draft that identifies the "negotiables" in a single draft proposal to enable the member States to negotiate on that basis. Concurrently, an overarching group, comprised of a number of member States from all regions and stakeholder groups, was established to exchange views and its input allowed the drafters to produce a draft of a wide and diverse nature.

The draft, which I am hereby enclosing, was never intended to be an exhaustive compilation of all ideas and positions put forward thus far. Rather, its objective was to reflect those elements that require negotiations, on the basis of pragmatism and feasibility. At the same time, the intention was to build on the report of the facilitators and other progress achieved during the 61<sup>st</sup> session of the General Assembly and to give a sense of direction for the future.

His Excellency Mr. Srgjan Kerim  
President of the 62<sup>nd</sup> session  
of the General Assembly  
of the United Nations  
New York

We consider that all groups of States should be able to recognize some of their core positions in the draft. As for those elements of their position that are not reflected in the draft, I should like to stress that these are not considered non-legitimate or void, or that the positions and concerns of members and of regional groups have been disregarded. We are cognisant that these are retained by their proponents and that they have the right to pursue them in any negotiation. You will note that the enclosure attempts to clarify the context in which this effort has been made before proceeding to outline any suggested elements.

In attempting to identify the negotiables for reform (indicated through brackets in the draft), it has not been the intention of the drafters to prejudice the outcome of a possible negotiation or to pre-empt the engagement of anyone in the process. We are convinced that the enclosed draft can be tolerated by everyone to the extent that it could form a basis for negotiations without preconditions. We were reassured in this conviction when the draft was presented to a number of States participating in the overarching group referred to above.

It is also our hope that you will find this proposal useful in determining the shape and form that this process will take from now on. It has been our experience that the traditional UN method of conducting negotiations in various configurations, both formal and informal, as required, would be the best way to achieve a compromise.

I am at your disposal for any further clarifications that might be needed, as well as to discuss the issue with you more generally.

Please accept, Excellency, the assurances of my highest consideration.



Andreas D. Mavroyiannis

### Introduction:

Since 2005, the main claims regarding the enlargement of the Security Council could be broadly represented as follows: adding permanent members with veto, adding new permanent members without veto, adding seats for more non-permanent members. These positions have not proven reconcilable thus far and have warranted alternative thinking, which began to be elaborated by the five facilitators appointed by the President of the 61<sup>st</sup> session of the General Assembly, through their report of 20 April 2007. While the legitimate positions officially tabled in 2005 are retained by their proponents, their lack of realisation potential at this juncture has pointed to an apparent willingness to negotiate on the basis of achieving intermediate reform, through the identification of the highest common denominator at this stage.

Affording serious consideration to this emerging approach neither amounts to, nor entails relinquishing any claims. Rather, its attempt is to improve current representation on the Security Council, without sacrificing but ideally improving its effectiveness. As such, for the purpose of achieving such intermediate reform, the scope of the negotiation would be narrower, focusing on points of convergence in the short-term rather than divisive elements. By engaging in negotiations to determine what is feasible in terms of Security Council reform, States are not bound by any outcome, nor does their involvement imply that the parameters of these negotiations represent, at any time, their ideal or preferred reform. What is sought at this point is an inclusive negotiation in good faith to achieve progress.

### Elements for Security Council enlargement:

1. The Security Council shall be enlarged to [22] members.
2. Of these seven new seats:
  - a. Two will be allocated to member States of the African Group,
  - b. Two will be allocated to member States of the Asian Group,
  - c. One will be allocated to member States of the Latin American and Caribbean Group,
  - d. One will be allocated to member States of the Western European and Others Group,  
and
  - e. One will be allocated to member States of the Eastern European Group.
3. The election of member States in all new seats will be subject to regular election procedures by two thirds majority at the General Assembly in accordance with Article 18 of the Charter.
- 4.1. [The seats allocated under paragraphs [a-d] [a-e] of paragraph (2) above could, in principle, be filled by the member States elected thereon, for the entire duration of intermediate reform.].

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\* Options 4.1, 4.3, 4.4 and 4.5 are mutually exclusive

4.2.1.\* [However, at [five-year] intervals, any member State may challenge the incumbent(s) [from its own regional group] that is (are) serving in long-term seat(s) under paragraph 4.1. If this challenge is backed [by the majority of the members of that regional group, and subsequently,] by a [simple] majority in the General Assembly, the seat(s) will re-open to election and all members of that regional group, including the incumbent(s), shall be eligible.].

OR

4.2.2. [However, at [five-year] intervals, any member State may challenge the incumbent(s) [from its own regional group] that is (are) serving in long-term seat(s) under paragraph 4.1. In such an event, the seat(s) will re-open to election and all members of that regional group, including the incumbent(s), shall be eligible.].

4.3. [Member States elected under a-d above shall be permanent members of the Security Council].

4.4. [Member States elected to fill these seats will be able to serve for a [five] year period and [be eligible for re-election] [not be eligible for re-election]].

4.5. [Member States elected to fill these seats will be able to serve for a two year period and [be eligible for re-election] [not be eligible for re-election]].

5. [The seat allocated under (e) will be a regular two-year non-permanent seat.].

6. [At least half of the total number of seats of each regional group after enlargement (excluding the P5) will continue to be regular two-year non-permanent seats.].

7. Reform should include mandatory review after a fixed period of time, the exact duration of which must be determined before the reform comes into force and will form an integral part of the reform package. A mandatory review conference to consider the provisions set out in the paragraphs above will take place [15-years] after these provisions have entered into force. These provisions will remain in place until a decision amending them has come into force. The provisions are without prejudice to the process leading up to, the negotiations during, or the decisions made at the review conference.

### Elements for working methods

In addition to enlargement, and regardless of the timeline for the ratification of relevant Charter amendments necessary for it, the General Assembly could simultaneously recommend concrete improvements on SC working methods, including implementation of those contained in S/2006/507. We might, at that time, proceed to de-link the two processes. Such measures include:

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\* Options 4.2.1 and 4.2.2 are mutually exclusive and apply only with respect to option 4.1.

- a) Making available at all times information regarding the Council's meeting schedule,
- b) Designating a contact point for providing information on the work of the Council to delegations of member States not members of the Council,
- c) Consulting with the member State(s) directly affected by an item under examination,
- d) Explaining one's vote in cases where there is no unanimity, and especially when a negative vote has been cast by a permanent member of the Security Council,
- e) Conducting as many of the Council's proceedings as possible in an open format and establishing mechanisms for receiving the input of member States that are not members of the Council,
- f) Appealing to permanent members of the Security Council to ascertain that war crimes, genocide, and crimes against humanity would not be committed and that other irremediable negative developments would not occur as a result of blocking Security Council action,
- g) Consistent implementation of the possibility to include non-Council members in the deliberations of the Council when these concern those Member States (articles 31 and 32 of the Charter),
- h) More structural consultation with Member States when the SC discusses resolutions that require implementation by the Member States. Although the recommendations are non-binding, such consultations should be obligatory. This concerns in particular the work of the subsidiary organs of the Council,
- i) Expand consultation and cooperation with regional organisations and countries in the region, not only in thematic, public meetings, but also in private meetings,
- j) Consistent consultations with potential TCC's in the early phase of a new operation, and regular substantive meetings during ongoing operations. TCC's to be invited to private meetings of the SC in which the mandate of a Peacekeeping Operation is discussed. Open participation in the SC Working Group on Peacekeeping Operations,
- k) A permanent member of the Security Council using its veto should explain the reason for doing so at the time the relevant draft resolution is rejected in the Council and a copy of the explanation should be circulated as a Security Council document to all Members of the Organization.