



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

3 April 2008

Excellency,

As a result of our meeting of the Open-ended Working Group on 14 December 2007, Member States engaged during recent months in efforts to identify negotiables that can serve as a basis for future intergovernmental negotiations. I am pleased to forward you for your information the inputs that I have received in writing so far that reflect various elements of the negotiables as well as views on the process and the way forward from delegations as well as regional and interest groups.

Therefore, I wish to inform you that I will convene the second meeting 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 Thursday, 10 April, at 10 am in the Trusteeship Council Chamber.

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



Srgjan Kerim

All Permanent Representatives and
Permanent Observers to the United Nations
New York



Permanent Mission of the Republic of Cape Verde to the United Nations

The Permanent Representative

No. 16/PR/2008

New York, March 20th 2008

Excellency,

I would first of all like to thank you very much for inviting me on 13 March in my capacity as Chairman of the African Group, with two of my colleagues for an exchange of views on the United Nations Security Council Reform. As agreed at that meeting and, following consultations with the Group, I am writing regarding this important issue.

As you are aware, the African Group attaches great importance to this issue as an integral part of the reform of the United Nations and welcomes the priority you have attached to its consideration.

The African Group supports your efforts within the context of the Open-ended Working Group (OEWG), and we welcome the seven principles you laid out following the last debate of 14th December 2007, as well as your initiative to establish the Task Force within which we are open to play an important role like other Regional Groups, in order to take the process of Security Council Reform forward. The African Group underscores the importance of transparency at every stage of the process.

As you may recall, the 10th Ordinary Session of the African Union Assembly held in Addis Ababa on 31 January - 2 February 2008, adopted the decision Assembly/AU/Dec.184 (X) on United Nations Reform which, *inter alia*, directed the Permanent Representatives in New York to participate in the intergovernmental negotiations on the basis of Ezulwini Consensus and Sirte Declaration.

H.E. Dr. Srgjan Kerim
President
General Assembly

In the light of the above, the African Group expresses its continued readiness to work and cooperate with you and encourages you to convene a meeting of the OEWG, as indicated in your previous communication. This, we believe, would enable the membership of the United Nations to address both the framework and modalities that could lead to intergovernmental negotiations which takes into account the positions and aspirations of various stakeholders and lead to the widest possible agreement.

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



Antonio Pedro Monteiro Lima
Permanent Representative of Cape
Verde to the United Nations,
Chairman of the African Group

The Permanent Representative of Italy to the United Nations
"Uniting for Consensus" – Focal Point

New York, March 5th, 2008

Excellency, Mr President,

The Uniting for Consensus (UfC) has welcomed your seven principles and well-considered efforts to launch an effective "joint venture" of all Member States in order to advance the process aiming at a Security Council Reform. It is essential that you should continue to guide the process together with members of your Task Force.

The UfC, after consultations with other Member States, proposes that the Open-ended Working Group (OEWG) start building on the progress made so far, in particular at the 61st UNGA session, on Security Council reform. This progress was reflected in the two Reports of the Facilitators attached to the last annual Report of the OEWG. We should therefore harvest the results achieved so far working on the conclusions and recommendations of the Reports. However, in order to lay the groundwork for successful negotiations, the UfC believes it is critical that agreement should be first reached on the framework for further consultations and intergovernmental negotiations. Meanwhile, it is our understanding that there will be no unilateral proposal or initiative. To this end, I am enclosing for your consideration a paper aimed at facilitating agreement on such a framework.

We feel that your Task Force, with the assistance, if deemed appropriate, of the Facilitators who had worked on the two Reports at the 61st UNGA session, should undertake the formulation of such framework. Once such a framework is established, the "joint venture" for SC reform can be launched and you may rest assured that the UfC would be prepared to enter into the process of identifying the 'negotiables' and drafting a paper which could serve as the basis for negotiations and general agreement on the issue of Security Council reform.

*With my highest consideration,
and warmest regards,*

Yours

Marcello Spatafora

Marcello Spatafora

H.E. Dr. Srgjan Kerim
President of the General Assembly
The United Nations
New York

Framework for further consultations/negotiations

1. Objective: To reach general agreement on an “intermediate” solution to Security Council reform on the basis of the variations outlined in (para-9)* the Report of the 5 Facilitators at the 61st GA Session, and encompassing both the enlargement and working methods of the Council, without prejudice to the declared positions of all States/Groups;

2. Modality: Transparent and open consultations and intergovernmental negotiations within the OEWG to achieve a general agreement. No unilateral initiatives or action outside the OEWG.

3. Next Steps: Further informal consultations to:

first, identify “Negotiables”; and

second, elaborate a paper to serve as a basis for intergovernmental negotiations.

* A/61/47, annex I, Notions on the way forward

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, inter alia, the following variations on 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.



*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 61st session of the General Assembly and to give a sense of direction for the future.

His Excellency Mr. Srgjan Kerim
President of the 62nd 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 61st 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.].

* 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:

* 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.