



## REFORM OF THE SECURITY COUNCIL September 2007 - May 2013

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### **Executive Summary**

The first section of this chapter explores how Security Council reform efforts at the UN evolved from the end of 2007 until mid-2013.<sup>1</sup> It describes the ongoing slow, repetitive, and contentious process that has taken place.

In September 2007, at the end of the 61st session of the General Assembly, agreement was reached to move the deliberations from the Open-ended Working Group to a new forum – Intergovernmental Negotiations.<sup>2</sup> But it then 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>3</sup> Then, after the negotiations officially started in early 2009, it took yet another year before a negotiation text was produced. Based on proposals submitted by Member States, the text has been revised numerous times. Nevertheless, it currently remains a long document of about 30 pages and since 2011 its status as the basis for the negotiations has been frequently challenged by a number of Member States, including two members of the Permanent Five.

Without a doubt, since 2007, enlargement of the Security Council and the process of the deliberations have been the most intensely contested issues. In this regard, the key groupings in contention are: the African Group; the Group of 4 (G4: Brazil, Germany, India, and Japan); Uniting for Consensus (UfC, with Italy as its focal point) and the L69 (a group of developing countries that has been active since 2007).<sup>4</sup> In recent years, the G4 and L69 groups have sought more immediate results on expansion with new permanent members by circulating and seeking support for draft resolutions, while the 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.

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<sup>1</sup> This chapter provides a follow-up to Jonas von Freiesleben's chapter on Security Council reform published in 2008 which can be downloaded at [www.centerforunreform.org/node/308](http://www.centerforunreform.org/node/308).

<sup>2</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 started its work in 1993.

<sup>3</sup> For a copy of Decision 62/557, see Appendix IV.

<sup>4</sup> For more information about the membership and stances of these groups, see Section 2.

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, has contributed to an atmosphere of mistrust and misgivings concerning the viability of the negotiations.

Diplomats from the G4 and L69 groups 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 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.

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The African Group has consistently restated its position – the Ezulwini consensus<sup>5</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<sup>6</sup> in 2012 which meets the demands of the African Group. 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 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. - see Section I c);
- and *the relationship between the Council and the General Assembly* (a.o. the role of the GA on peace and security issues, see also the chapters on GA revitalization).<sup>7</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 large 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.

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<sup>5</sup> See Appendix III.

<sup>6</sup> See [www.centerforunreform.org/node/496](http://www.centerforunreform.org/node/496). CARICOM distributed a very similar resolution in 2013.

<sup>7</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).

Because so many meetings have either 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. All in all, however, compared to five years ago, there presently seems to be a more in-depth understanding of the breath of proposals on the table, the level of support some of these are reported to enjoy, and the specific obstacles they face. And some insiders see signs of convergence, especially 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), though 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. However, both France and the UK – seeing themselves as constructive players – feel considerable resentment about being lumped with the other members of the P5 in this 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 when he suggested in July 2012 that he could be tasked with drafting a more concise negotiation text. Adding to concerns about progress during the deliberations in the 67th session, according to numerous insiders, is that the current PGA Vuk Jeremic and Tanin have at times not been on the same page as to how and when to proceed.

Section 5 deals with proposed compromise proposals.<sup>8</sup> In 2007 and 2008, calls for an *intermediary model* of expansion of the Security Council – also called *interim*, *transitional*, *intermediate*, and *timeline perspective* – had 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 the African Group, G4, and L69 remain convinced that additional permanent seats could be a possible outcome of the negotiations.

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

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<sup>8</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).

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category of elected and longer-term seats. A complicating factor is that those G4 members who are willing 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 more than half 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 lobbying at the highest levels by opposing factions.

The Center presents the issue of working methods of the Security Council in the following chapter (1c), written by William R. Pace, President of the Center for UN Reform Education, who has followed this issue for more than a decade.

## 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 1-20 in the print version of this publication and which covers the period 1945 - 2008.<sup>9</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 straw 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 consensus, as agreed to in 1993 when the Working Group began its work.) Nevertheless, this agreement was challenged in September 2007 when a draft resolution, co-sponsored by 25 countries, was produced for the annual meeting of the Working Group preceding the plenary of the GA where the PGA's report on progress of the Working Group had to be adopted and the Working Group's continuation authorized. The resolution<sup>10</sup> – L69, also referred to as the ‘India resolution’ at the time – not only called for intergovernmental negotiations to start, but with rather surprising optimism, for an outcome to be achieved before the end of 2007, to include:

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<sup>9</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>10</sup> See Appendix V.

- 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.

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 Sheikh 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 and could be resumed at the initiative of the PGA whenever a simple majority of Member States agree to do so – 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 an *overarching process* aiming 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.

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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>11</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.

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<sup>11</sup> Also see the Center's analysis of 16 April 2008 at [www.centerforunreform.org/node/333](http://www.centerforunreform.org/node/333).

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.

In December 2007, Kerim had formed a Task Force under his chairmanship which included Permanent Representatives Ismat Jahan of Bangladesh, Heraldo Munoz of Chile, and Joao 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>12</sup> The report contains an interesting section called “New Inputs and Reaffirmed Views” which explains how various groupings preferred to proceed, including an annex that summarizes 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 63<sup>rd</sup> 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>13</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.

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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

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<sup>12</sup> A copy of the report can be found at [www.centerforunreform.org/node/356](http://www.centerforunreform.org/node/356).

<sup>13</sup> In 1986, for instance, it was decided (A/41/213) that budget decisions should be made by consensus: the exact term used was “broadest possible agreement.” 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.

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.

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 IV.)

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, to near unanimity, to considerably more than two-thirds of the total UN membership, to a narrow two-thirds majority.<sup>14</sup>

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

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<sup>14</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 is clear. It 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.”

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 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>15</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>16</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>17</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>15</sup> A copy of the proposal can be found at [www.centerforunreform.org/node/378](http://www.centerforunreform.org/node/378).

<sup>16</sup> A copy of the proposal can be found at [www.centerforunreform.org/node/384](http://www.centerforunreform.org/node/384).

<sup>17</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>18</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. 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>19</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.

*"...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

### **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 X. Following is an incomplete, condensed version, which is intended to give the reader a flavor of the substance and scale of opposing perspectives:

On categories, for instance, the facilitators noted that:

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<sup>18</sup> Tanin had previously been appointed Vice Chair of the Working Group in November 2008.

<sup>19</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>.

- 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.

[For perspectives on working methods, see chapter 1c of this publication.]

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>20</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.)

The Chair of the negotiations prepared an overview<sup>21</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

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<sup>20</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>21</sup> Id.

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 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.”

*Some see (review and challenge) 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.*

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>22</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.

The Second Round ended with meetings on 22 and 23 June 2009 at which the issue of working methods was discussed. (See chapter 1c.)

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<sup>22</sup> See [www.centerforunreform.org/node/399](http://www.centerforunreform.org/node/399).

*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, however, 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.

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.”

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

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>23</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 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

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<sup>23</sup> See [www.un.org/ga/president/64/issues/screform130110.pdf](http://www.un.org/ga/president/64/issues/screform130110.pdf).

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>24</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>25</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 who their key proponents were.

The text was closer to a “composite paper” (with contributions received re-arranged according to the five key negotiables) than a “compilation text” (exact representation of contributions received), and according to one delegate involved at the time, Member States did not object because they found their positions fairly represented.<sup>26</sup>

*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 who their key proponents were.*

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<sup>24</sup> Apparently these letters came from OIC, S5, and UfC.

<sup>25</sup> See [www.un.org/ga/president/64/issues/screform.shtml](http://www.un.org/ga/president/64/issues/screform.shtml).

<sup>26</sup> See <http://archive1.diplomacy.edu>, course given by Amr Aljowaily

### *The 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 and accepted by them as a basis for further negotiations. 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. (See Appendix VII.) 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>27</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 27 August 2010. 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>28</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>29</sup> pointed out 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.

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<sup>27</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>28</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>29</sup> S5: Costa Rica, Jordan, Liechtenstein, Singapore, Switzerland.

*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. (See Appendix VIII.) 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>30</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.”

In their defense, the G4 has since indicated that their 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.

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

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 specifics on substance were provided, pointed questions were asked and some were answered, and existing

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<sup>30</sup> A subsequent version of Rev3 which came out in February 2011 fixed this issue.

levels of support were indicated by the initiators of various proposals, although their 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>31</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>32</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 stated that if the G4/L69 would indeed add the veto to their proposal, African countries would vote

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<sup>31</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>32</sup> Denmark, Finland, Norway, and Sweden.



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, on Working Methods, is described in Chapter 1c.]

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.<sup>33</sup> 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.<sup>34</sup>

On 25 July 2012, Tanin wrote a letter to Member States<sup>35</sup> – which was distributed by PGA Al-Nasser two days later<sup>36</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>33</sup> See [www.centerforunreform.org/node/496](http://www.centerforunreform.org/node/496) for a copy of the 2012 L69 draft resolution as well as the very similar resolution from CARICOM from February 2013.

<sup>34</sup> See [www.centerforunreform.org/node/496](http://www.centerforunreform.org/node/496) for a copy of the resolution.

<sup>35</sup> See [www.centerforunreform.org/node/494](http://www.centerforunreform.org/node/494) for a copy of the letter.

<sup>36</sup> A meaningful gap according to one diplomat and he even suggested that some P5 members had pressured the PGA not to distribute it, a suspicion not easily verified.

In his letter, Tanin made the following proposals that caused quite a stir:

1. explore a variety of reform models including expansion in both categories, interim and intermediate options.
2. 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. Tanin recently told the Center that he believed 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.

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. To be fair, even Tanin 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>37</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.”

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>37</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>38</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 stresses that an "elected Security Council" and addressing all five issues in a comprehensive way is 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>38</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 Jeremic, according to numerous sources, did not agree. 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 the level of endorsement he had sought. The African Group, UfC, China, Russian Federation, and the US all spoke out against a concise text.<sup>39</sup>

*It might be better at this stage to "put the negotiations on strategic hold."*  
Tanin, May 2013

All in all, neither the developments in regard to process, nor any proposals on substance, are expected to lead to results any time soon. It is fairly obvious that the last version of the negotiation text, Revision 3, is not to the liking of either the UfC, or the African Group, or of at least two P5 members. As stated by many Member States, the negotiation text is not yet a "real basis for negotiations" and transforming it into a framework/bracketed resolution seems impossible at this stage. Tanin told the Center in early May 2013 that it might be better to "put the negotiations on strategic hold." In the meantime, regional groups or "friends' groups" could try and seek solutions outside the negotiations, he added.

Speculation as to whether there is a growing emergence between developing countries on Security Council reform are explored in the following section, under the paragraphs describing the L69 group.

## 2. KEY GROUPINGS OF MEMBER STATES

The most active groupings involved in the reform process during the last five 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, which arguably would make such seats a subcategory of existing permanent seats, or add a new permanent category all together.

### **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>40</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

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<sup>39</sup> See [www.centerforunreform.org/node/496](http://www.centerforunreform.org/node/496).

<sup>40</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.

concept of permanency for individual Member States – was discarded in 2005 when the Ezulwini Consensus was adopted. (See Appendix III.)

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>41</sup> Apparently, Algeria and Egypt in particular, opposed this move.<sup>42</sup> President Mugabe from Zimbabwe then suggested that a Committee of 10 (C10) be the focal point for Security Council reform. The Committee 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 its members, with Sierra Leone serving as its Chair.

Statements from the C10 on Security Council reform often refer to both the Ezulwini Consensus and the July 2005 Sirte Declaration. (See Appendix IX.) The latter differs somewhat from the Ezulwini Consensus in that it did not mention the selection of Africa’s two proposed permanent members by the African Union. Some insiders claim that the meeting in Sirte, Libya, was extremely chaotic and that some decisions were made after a number of countries had already left the meeting. According to one source,<sup>43</sup> the Sirte Declaration only garnered the support of 36 out of the 53 AU countries at the time. Another insider said that the value of the Sirte Declaration is that it specifies that the C10 can explore alliances with other groups.

At present, besides the stances detailed in the the Ezulwini Consensus, 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.

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

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 include discussions on criteria or election procedures that might clash with those agreed to by the African

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<sup>41</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).

<sup>42</sup> According to insiders, Algeria and Egypt remain very active players.

<sup>43</sup> [www.idsa.in/event/UnderstandingAfricasPositionontheUNSecurityCouncilReform](http://www.idsa.in/event/UnderstandingAfricasPositionontheUNSecurityCouncilReform) It seems this link was recently discontinued; to receive a hard copy, email [lydiaswart@centerforunreform.org](mailto:lydiaswart@centerforunreform.org).

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>44</sup> or Africa insisting on more than two new Permanent seats,<sup>45</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, the US, a few countries from Latin America and the Caribbean, and some Northern countries who have indicated support for adding new permanent seats, have indicated 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 equally 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 on 13 March 2012: “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.<sup>46</sup> 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>47</sup>

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<sup>44</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>45</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).

<sup>46</sup> See [www.centerforunreform.org/node/496](http://www.centerforunreform.org/node/496). The L69 draft resolution was not widely distributed, unlike the CARICOM resolution.

<sup>47</sup> See “Forging a New Horse Shoe,” by Hardeep S. Puri, *The Hindi*, 3/5/2013

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.”

*“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

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.

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 – though 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 five 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 much resented power of the Permanent Five is often 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 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>48</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

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<sup>48</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/>.

purposes of the UN, and equitable geographical distribution, are criteria for non-permanent seats but does not delve into the rationale for permanence. Barring the occurrence of another world war with clear aggressors and victors, as one insider said 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>49</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 of the most prevalent arguments 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>50</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 Uniting for Consensus group.

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 poll on adding permanent seats, without other variables 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 many as too premature, while others believe that votes should not be allowed altogether in an informal plenary. (See the previous section for more details.)

*"You know you have hit the right spot when China starts demarching"*

G4 diplomat

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." 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."

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. And one insider believes that bringing this resolution to a vote could have been advantageous for the G4 even if it had not achieved a two-thirds majority of the UN membership because a simple majority would have given the G4 an edge in possible negotiations about intermediary models.

Members of the G4 have shown signs of flexibility. Although the G4 have agreed to forgo the extension of veto rights to new permanent seats, at least for now, both Brazil and India are nevertheless supporting the

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<sup>49</sup> The latter observation was, for instance, mentioned by Egypt. See [www.centerforunreform.org/node/468](http://www.centerforunreform.org/node/468).

<sup>50</sup> See Jonas von Freiesleben analysis on transitional models at [www.centerforunreform.org/node/357](http://www.centerforunreform.org/node/357).



recent L69 proposal which, to appease 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 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 have caused some confusion. Apparently, India had been approaching 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 is not serious about the intermediary model and instead really hopes 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>51</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, the group believes, could increase participation and clarity from capitals. 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.

While one G4 diplomat said that the geographical diversity amongst its members is one of its key strengths, it seems undeniable 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 latest draft L69 resolution – which includes veto rights for new permanent seats – is 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.”

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

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<sup>51</sup> One G4 source indicated that such allegations should not be taken seriously when coming from a UfC diplomat.

## The 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 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.

From 2008 onwards, the L69 slowly became more active as a coalition from the South, with India and Barbados 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>52</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 smaller 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>53</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.

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<sup>52</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>53</sup> See [www.centerforunreform.org/node/496](http://www.centerforunreform.org/node/496).

- 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>54</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.

Developing countries, when united, could narrowly meet a narrow 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 belong to the UfC faction that opposes new permanent seats: Argentina, Colombia, Costa Rica, Indonesia, Pakistan, and Turkey among others. All in all, getting a majority of developing countries on this issue should not be very easy to bring about, though 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 next PGA,<sup>55</sup> Ambassador John Ashe from Antigua and Barbuda, is from a CARICOM country that favors the L69 resolution 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>56</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 CARICOM members that were not yet aligned with the L69 before their resolution of 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

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<sup>54</sup> See [www.centerforunreform.org/node/496](http://www.centerforunreform.org/node/496).

<sup>55</sup> The formal election (by acclamation) will take 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>56</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).

undoubtedly change that, possibly hardening stances, and even tempting some Northern allies of the G4 to withdraw their support for new permanent seats.

### Uniting for Consensus

*“Maybe Uniting for Consensus should rename itself again, becoming ‘United for Compromise’ instead.”*  
diplomat, 2012

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 1a), 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 was seen as being centered on what it was against – new permanent members – it used to be often 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 VII.)

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>57</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 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.” Many insiders 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).

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 some neutral players exploring new initiatives.<sup>58</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 diplomat presumes that when there is significant progress during the reform process, the P5 will formulate a common position, and that, “When push comes to shove, the P5 will act together.”

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<sup>57</sup> <http://www.un.org/News/Press/docs//2012/ga11313.doc.htm>.

<sup>58</sup> For instance, UfC was reportedly not approached about the December 2009 letter that led to the creation of a negotiation document.

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:

- 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>59</sup>

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<sup>59</sup> One observer suggested that such participation could be just an attempt to “cover all bases.”

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.

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, not much larger than 20 members, which means an expansion that would not even meet the demands of the G4 plus Africa’s aspirations. 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. 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>60</sup>

One NGO suggests 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: 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>61</sup> politically it would not 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 particular interpretations of 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>62</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 the PGA Miguel d’Escoto Brockmann.

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<sup>60</sup> See page 4 of Chapter 1c (A/AC.247/1997/crp.1 & A/51/47, Annex II).

<sup>61</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>62</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 Jeremic from Serbia is PGA during the 67th session.

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 reappointed four times in a row<sup>63</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 use 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 both Algeria and Egypt.

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 of the negotiations 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 current PGA, Vuk Jeremic of Serbia, appointed Tanin relatively late in the Session, in November 2012.<sup>64</sup> Rumors at the time suggested that Jeremic was very much under the influence of Russia, which had first expressed their reservations about the negotiation process to Tanin in 2011.<sup>65</sup> Perceptions that Jeremic did not attach much importance to Security Council reform and/or was still struggling with understanding the ins-and-outs of the negotiations; 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, Jeremic 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.

Jeremic must have been informed by his predecessors on how contentious and slow-going the negotiations had become. 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

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<sup>63</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>64</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 (Jeremic).

<sup>65</sup> See the end of Section I.



therefore started his term with six weeks of consultations with Member States.<sup>66</sup> 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.

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

On 16 and 17 April 2013, Member States sent Tanin a strong message about his proposals. The African Group, UfC, China, the Russian Federation, and the US stated that they did not favor the idea of a concise working document drafted by the Chair of the negotiations. The idea of having a high-level meeting was not widely endorsed either. Afterwards, Tanin was initially hopeful that Member States could reconsider his proposals at another meeting as he felt that some of the “finer points” in some statements of UfC members suggested flexibility. However, the African Group<sup>67</sup> remains apparently staunchly opposed and Tanin recently told the Center that it might be better to put the negotiations on “strategic hold” as long as real give-and-take negotiations remain elusive. (Also see the end of Section 1.)

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.

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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.

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 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.

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<sup>66</sup> According to one G4 diplomat, the specific wording in his letter closely matches that typical of the UfC group, therefore assuming that Jeremic shares stances about the process with UfC.

<sup>67</sup> In this instance with the exception of Mozambique and South Africa.

The next PGA will be 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 Jeremic. 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 interestingly 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>68</sup> and their opponents at the World Summit.

In 2007, under the leadership of PGA Sheikha Al-Khalifa, two documents were produced that delved into compromise models more deeply [See Appendix XI] by two sets of facilitators. The first group, consisting of Permanent Representatives Ali Hachani of Tunisia, Andreas D. Mavroyiannis of Cyprus, Mirjana Mladineo of Croatia, Heraldo Munoz 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 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.

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<sup>68</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.

Apparently because of opposition from the G4,<sup>69</sup> a new set of facilitators, Permanent Representatives Heraldo Munoz 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.”

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>70</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 regards 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.

It seems that the concept of a “review” has been added to all recent proposals and draft resolutions. Postponing the most difficult decisions may help overcome deadlocks and adding a review clause may give current proposals or resolutions just enough of the appearance of an intermediary model – in line with decision 62/557 which states that the basis of the negotiations should be the positions and proposals of Member States as well as documents such as the report of the Working Group in September 2007 which states, “further concrete results may be achieved, including through intergovernmental negotiations, building on the progress achieved so far, particularly at the sixty-first session.”

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 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 possible progression from long-term seats to permanency – those of the UfC from 2009<sup>71</sup> and Liechtenstein from 2010<sup>72</sup> – and one of the Philippines from 2009 that did mention eventual permanency

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<sup>69</sup> See Chapter 1a, pages 10-11.

<sup>70</sup> See [www.centerforunreform.org/node/357](http://www.centerforunreform.org/node/357).

<sup>71</sup> <http://www.italyun.esteri.it/NR/rdonlyres/3661BCE2-6BFC-49A2-81E8-F8FFBFB58FE8/0/20100210125245277.pdf>

<sup>72</sup> [http://www1.regierung.li/uploads/media/pdf-fl-aussenstelle-newyork-dokumente-reform-sc-intermediatemodel-elements-2010-02-26\\_01.pdf](http://www1.regierung.li/uploads/media/pdf-fl-aussenstelle-newyork-dokumente-reform-sc-intermediatemodel-elements-2010-02-26_01.pdf)

(See Appendix XI.) 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.

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.

Whatever model under discussion – and others are likely in the works – Member States should be clear about the terminology used. To this author, it seems that *intermediary* and *intermediate* refer to the creation of a new category of long-term seats in between the existing categories which could be renewed through elections, while *interim* and *transitional* suggest longer-term seats with the possibility of progression to permanent seats after a review.

### **The road ahead ...**

[To be finalized after the other chapters for the publication are finished.]

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