

UNITED NATIONS.



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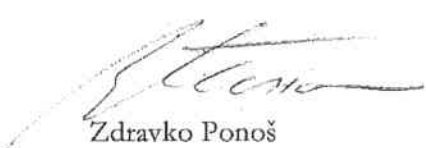
OFFICE OF THE PRESIDENT OF THE GENERAL ASSEMBLY

12 April 2013

Excellency,

I have the honour to attach herewith a letter and its enclosure from H.E. Mr. Zahir Tanin, Permanent Representative of Afghanistan to the United Nations, and Chair of the Intergovernmental Negotiations on the equitable representation and increase in the membership of the Security Council and other matters related to the Council, transmitting an updated text and the shorter document, with the inclusion of all suggested corrections and additions from the Member States.

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



Zdravko Ponoš  
Chef de Cabinet

**All Permanent Representatives  
to the United Nations  
New York**

نماینده‌گی دایمی جمهوری اسلامی افغانستان  
در سازمان ملل متحد - نیویارک



په ملگرو ملتوکی دافغانستان داسلامی  
جمهوریت دایمی نمایندگی - نیویارک

*Permanent Mission of the Islamic  
Republic of Afghanistan to the  
United Nations - New York*

5 April 2013

Excellency,

In reference to my letter of 4 December 2012 and following the letters received from Member States and circulated in my letter of 17 January 2013, I have the honour to transmit an updated version of the third revision of the negotiation text and the shorter document, a user-friendly guide. With the inclusion of all the suggested corrections and additions received from Member States, the text stands as an accurate and up to date reflection of all the positions received by the Chair, maintaining the integrity of Member States' proposals. I am confident that the updated version of Rev3 will allow for continuation of the text-based process that was requested of the Chair by Member States.

As with past changes to the text, I invite Member States to examine their positions and proposals and before the close of business on 19 April 2013, notify my office in writing, of any concrete amendments needed for the sake of accuracy. Please communicate any suggested revision to Ms. Nora Gordon at [n.gordon@afghanistan-un.org](mailto:n.gordon@afghanistan-un.org) or faxed to the Permanent Mission at 212-972-1216.

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

Zahir Tanin

Chair of the Intergovernmental Negotiations on the equitable representation and increase in the membership of the Security Council and other matters related to the Council

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

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*1.1.1. ...with provision for a review*

*1.1.2. ...new permanent members will not exercise veto until decided upon in review*

*1.1.3. ... with the addition of a third category of seats and review clause*

1.2. Enlargement in both current categories, permanent and non-permanent 2-year seats, but not with the prerogatives and privileges of current permanent members

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## 1. Categories of membership

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

### 1.1. Enlargement in both current categories, permanent and non-permanent 2-year seats, with all the prerogatives and privileges of current permanent members

- [...favours expansion in both the permanent and non-permanent categories of the Security Council.][...no less than two permanent seats for Africa, with all the prerogatives and privileges of permanent membership to be extended to all permanent members, and of a total of 5 non-permanent seats; with the selection of all such representatives to be done by the African Union for submission to the General Assembly for election.]<sup>1</sup>
- [...favours the expansion, both in the category of permanent members and non-permanent ones.][The new members of the Security Council, including the new permanent ones, should enjoy the same rights and powers as current members of this organ.][...would not be opposed to the immediate re-election of non-permanent members.]<sup>2</sup>
- [...favors the enlargement of the permanent and non permanent membership of the Security Council...][...favor putting an end to the undemocratic privileges derived from the use of veto. However and while we reach the necessary conditions for the elimination of the veto power...supports the extension of it to all members of the Security Council (both permanent and non-permanent), regulating and limiting its use to specific cases under Chapter VII of the Charter. Furthermore, we favor the requirement of two concurrent negative votes to prevent the adoption of a Council decision.]<sup>3</sup>
- [...favors expansion in both the permanent and non-permanent categories of the Security Council. This means the allocation of one permanent seat for Latin America and the Caribbean, with all the prerogatives and privileges of permanent membership to be extended to all permanent members and a total of 4 non-permanent seats for GRULAC.]<sup>4</sup>
- [...favours expansion in both the permanent and non-permanent categories of membership in the Security Council.]<sup>5</sup>

#### 1.1.1. ...with provision for a review

- [Expansion in both permanent and non-permanent membership.][Provision for a review.]<sup>6</sup>

#### 1.1.2. ... new permanent members will not exercise veto until decided upon in review

- [...adding six permanent and four non-permanent members.][Decides also to review the situation created by the amendments ... fifteen years after their entry into force.][...the new permanent members should have the same responsibilities and obligations as the current permanent members;][...the new permanent members shall not exercise the right of veto until the question of the extension of the right of veto to new permanent members has been decided upon in the framework of the review...]<sup>7</sup>

#### 1.1.3. ...with the addition of a third category of seats and review clause

<sup>1</sup> Para 1.1a, b of rev2 (African Group, annex pp1-5).

<sup>2</sup> Para 1.7a, d, e of rev 2 (Cuba, annex pp95-101).

<sup>3</sup> Para 1.17a of rev2 (Bolivarian Republic of Venezuela, annex pp138-143). Para 2.12a of rev2 (Bolivarian Republic of Venezuela, annex pp138-143) copied into this para

<sup>4</sup> Para 1.26a of rev2 (El Salvador).

<sup>5</sup> Para 1.5a. of rev 2 (CARICOM, annex pp86-88).

<sup>6</sup> Para 1.8a, b of rev2 (L.69 Group, annex pp102-103).

<sup>7</sup> Para 1.14a, b of rev2 (G-4, annex pp124-129). Para 2.11a, b of rev2 (G-4, annex pp124-129) copied into this para.



- [...enlargement is necessary both in the categories of permanent and non-permanent members.][The General Assembly should elect a total of twelve members into the category of “non-permanent members with more frequent rotation”. The members thus elected would serve every second two-year term within a period of twelve years. This means that there would be six non-permanent members with more frequent rotation in any given composition of the Security Council. They would be eligible for re-election every twelve years. After twelve years the General Assembly would review the system and elect the next group of members to serve within this category.][The total number of seats of the enlarged Security Council in any given term would be twenty-five: Five current permanent members, six new permanent members, six non-permanent members with more frequent rotation and eight other non-permanent members.][The amendment to the Charter related to the enlargement of the Security Council would need to include a review clause allowing for a comprehensive review of the new system. This review would be conducted twelve years after the entry force of the amendment.]<sup>8</sup>

### **1.2. Enlargement in both current categories, permanent and non-permanent 2-year seats, but not with the prerogatives and privileges of current permanent members**

- [...enlarge the permanent and non permanent membership of the Security Council.] [The newly elected permanent members of the Security Council (resolution...) will have no veto power and they will not be considered for the purpose of para. 3 of article 27 of the Charter.]<sup>9</sup>
- [...open to the idea of enlargement in both the permanent and non-permanent category.] [...the right of the veto should not be extended to new members regardless of category.]<sup>10</sup>
- [remains committed to an enlargement of the Council with both permanent and non-permanent members.][...not extending veto powers to additional members - regardless of category.]<sup>11</sup>
- [...open in principle to a modest expansion of both permanent and non-permanent members, though any consideration of an expansion of permanent members must be country-specific, rather than regionally-based.][We are not open to a Charter amendment that alters the current veto structure.]<sup>12</sup>
- [...expansion in both categories offers potential to address the fundamental shortcoming of Council...][...does not support the creation of any new veto rights.]<sup>13</sup>
- [...supports the expansion of Security Council in both permanent and non-permanent membership.] [...eliminate the use of the veto...]<sup>14</sup>
- [support expansion in both the permanent and non-permanent categories of members.]<sup>15</sup>
- [...support for the expansion of the Security Council in both categories on the premise that the members of the Security Council contribute to the maintenance of international peace and security as well as to the other purposes of our Organization and that the principle of equitable geographical distribution be respected in conformity with Article 23 of Chapter V of the United Nations Charter.]<sup>16</sup>

### **1.3. Enlargement in non-permanent 2-year category only**

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<sup>8</sup> Para 1.4a, b, c, d of rev2 (Slovenia, annex pp83-85).

<sup>9</sup> Para 1.6a. of rev2 (Uruguay, annex pp89-90). Para 2.5 c of rev2 (Uruguay, annex pp89-90) copied into this para

<sup>10</sup> Para 1.18a of rev2 (Norway, annex pp144-147). Para 2.13b of rev2 (Norway, annex pp144-147) copied into this para.

<sup>11</sup> Para 1.23b of rev2 (Denmark, annex pp175-178). Para 2.16a of rev2 (Denmark, annex pp175-178) copied into this para.

<sup>12</sup> Para 1.24a of rev2 (USA, annex pp179-180). Para 2.17a of rev2 (USA, annex pp179-180) copied into this para.

<sup>13</sup> Para inserted per Indonesia letter 13 December 2010

<sup>14</sup> Para 1.11a. of rev2 (Peru, annex pp112-114). Para 2.9a of rev2 (Peru, annex pp112-114) copied into this para.

<sup>15</sup> Para 1.12a of rev2 (United Kingdom and France, annex pp115-118).

<sup>16</sup> Para 1.15a of rev2 (Principality of Monaco, annex pp130-134)

- [Regular non-permanent seats. Seats for a two-year term without the possibility of immediate re-election...]<sup>17</sup>
- [A term of two years with the possibility of up to two immediate re-elections. To be eligible to run afresh, Member States will have to give a break equivalent to the consecutive period served on the Council.][Review after 10-12 years or after 15-16 years, taking into account the terms for the seats. Comprehensive reassessment, including the composition and working methods of the Council.]<sup>18</sup>[*Regular non-permanent seats...as follows: Small States*<sup>19</sup>, *Medium-sized States*<sup>20</sup>, *Africa, Asia, Group of Latin American and Caribbean States, Eastern European Group.*][*Arrangements for representation in respect of the seats, including re-election and rotation, should be decided by the respective regional groups.*]<sup>21</sup>
- [...the only realistic way is to expand the non permanent category first.]<sup>22</sup>
- [Decides that the Security Council shall consist, in addition to the five permanent members as determined by Article 23, paragraph 1, of the Charter of the United Nations, of twenty elected Members of the United Nations serving on the Security Council for a two-year term...]<sup>23</sup>
- [Non-permanent members may be eligible for immediate re-election, subject to the decision of their respective geographical groups.]<sup>24</sup>
- [Amendments to Article 23  
*Decides*, in view of the above, to adopt the following amendments to the Charter and to submit them for ratification by the States Members of the United Nations;  
*Decides* that Article 23, paragraphs 1 and 2, of the Charter of the United Nations will read as follows:  
1. The Security Council shall consist of twenty-five Members of the United Nations. France, the People's Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect twenty other Members of the United Nations to be nonpermanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.  
2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from fifteen to twenty-five, five of the retiring members shall continue for one more year.]<sup>25</sup>

#### **1.4. Enlargement in intermediary/intermediate/interim/longer term/third category**

- [In a situation when positions...remain polar, one can advance in the negotiation process only by searching for a compromise. In these circumstances we believe it possible to look closer at the "interim model" as one of the options.][So far we only have some general understanding of what the "interim model" is. If Member States opt for this particular

<sup>17</sup> Para 1.2c of rev2 (Italy/Colombia, annex pp55-58).

<sup>18</sup> Para 1.2b, d of rev2 (Italy/Colombia, annex pp55-58).

<sup>19</sup> *Population below 1 million, that is, 42 countries, of which 37 have never been elected to the Security Council. Of the 37 never elected: 4 are from Africa; 11 are from Group of Latin American and Caribbean States; 15 are from Asia; 1 is from Eastern European Group; 6 are from Western European and Others Group.*

<sup>20</sup> *Population between 1 million and 10 million, that is, 71 countries, of which 27 have never been elected to the Security Council.*

<sup>21</sup> Para 1.2b, d, e, f of rev2 (Italy/Colombia, annex pp55-58). Moved as per UfC letter of 14 February 2011

<sup>22</sup> Para 1.19a of rev2 (DPR Korea, annex pp148-150).

<sup>23</sup> Para 1.13c of rev2 (Canada/Mexico, annex pp119-123). Para 4.8 of rev2 (Pakistan, annex pp151-156) included in this para.

<sup>24</sup> Para 1.13d of rev2 (Canada/Mexico, annex pp119-123 and Pakistan, annex pp151-156).

<sup>25</sup> Para 1.25b of rev2 (Pakistan).

variant of the Security Council enlargement, they would have to agree on its modalities.]<sup>26</sup>

**1.4.1. ...with review clause.**

- [Longer term seats: Alternative options for duration of terms: (A) A term of from three to five years without possibility of immediate reelection; or (B) A term of two years with the possibility of up to two immediate re-elections. To be eligible to run afresh, Member States will have to give a break equivalent to the consecutive period served on the Council.][Review after 10-12 years or after 15-16 years, taking into account the terms for the seats. Comprehensive reassessment, including the composition and working methods of the Council.]<sup>27</sup>[*Regular non-permanent seats...as follows: Small States<sup>28</sup>, Medium-sized States<sup>29</sup>, Africa, Asia, Group of Latin American and Caribbean States, Eastern European Group.*][*Arrangements for representation in respect of the seats, including re-election and rotation, should be decided by the respective regional groups.*]<sup>30</sup>
- [Create longer-term seats<sup>31</sup> and expand current two-year term seats. For instance, 7 longer-term seats and 3 two-year regular seats can be added to the current 15 seats.] [Conduct comprehensive review on the reform 10 to 15 years after the entry into force of the reform including the composition and the working methods of the Security Council.]<sup>32</sup>
- [The Security Council shall consist of [~~fifteen~~] thirty one Members of the United Nations. The Republic of China, France, the [~~Union of Soviet Socialist Republic~~] Russian Federation, the United Kingdom of Great Britain and Northern Ireland, [~~and~~] the United States of America and eight others to be elected as herein set forth, shall be permanent members of the Security Council. The General Assembly shall elect eighteen members of the United Nations to be non-permanent members of the Security Council....][...The first new permanent members shall serve for a term of five years. After the expiration of such a term the regional groups shall decide among themselves which member states in their groups shall succeed the retiring member and which shall enjoy full permanent status. Should any group be unable to do so, the successor will serve for a term of five years, which shall be the scheme until the region shall have decided on the member states in the region to serve as full permanent member.][The non-permanent members of the Security Council shall be elected for a term of two years.][A retiring non-member shall not be eligible for immediate re-election.]<sup>33</sup>
- [... six additional members shall be elected to serve on a permanent basis for renewable terms of [8/10]<sup>34</sup> years...][Candidates for seats created pursuant to ... above shall not be eligible to serve as non-permanent members in accordance with article 23, paragraph 2, of the UN Charter for the following [8/10] calendar years.][[16/20] years after the first elections held in accordance with paragraph 4 above, the General Assembly shall review the situation created by the entry into force of the Charter amendments contained in the Annex to the present resolution. The review shall include consideration of the categories of seats, the creation of additional seats of any category, including permanent seats, a

<sup>26</sup> Para 1.10a, b of rev2 (Russian Federation, annex pp108-111).

<sup>27</sup> Para 1.2b, d of rev2 (Italy/Colombia, annex pp55-58).

<sup>28</sup> *Population below 1 million, that is, 42 countries, of which 37 have never been elected to the Security Council. Of the 37 never elected: 4 are from Africa; 11 are from Group of Latin American and Caribbean States; 15 are from Asia; 1 is from Eastern European Group; 6 are from Western European and Others Group.*

<sup>29</sup> *Population between 1 million and 10 million, that is, 71 countries, of which 27 have never been elected to the Security Council.*

<sup>30</sup> Para 1.2b, d, e, f of rev2 (Italy/Colombia, annex pp55-58).

<sup>31</sup> Regarding the longer-term seats, the length of the term is negotiable.

<sup>32</sup> Para 1.22b, c of rev2 (ROK, annex pp171-174).

<sup>33</sup> Para 1.3a, b, c, d of rev2 (Philippines, annex pp63-82).

<sup>34</sup> The numbers in square brackets are meant to reflect a middleground and would be subject to negotiation.

review of the question of the veto as well as the implementation of the measures to improve the working methods of the Council.<sup>35</sup><sup>36</sup>

- [With a view to breaking the deadlock in the negotiations, ...support a pragmatic intermediate solution that could provide for a new category of seats with a longer mandate than that of the members currently elected. On completion of this intermediate period, a review should take place to convert these new seats into permanent seats.] [Issues we need to consider during this UNGA include: the duration of the intermediate period, the size and composition of the Council during this phase, and the modalities of entry into force.]<sup>37</sup>
- [Due to the lack of consensus on this point, we believe that there is a need for preliminary progress along an interim path with the aim of the increasing of new permanent members.][...a transitional interim formula ... could be implemented for a period of fifteen years, with a subsequent mandatory new round of evaluations. These assessments would be carried out through a review clause process.]<sup>38</sup>
- [If our effort to reform were to lead us towards “the intermediate model”,... would support it, if it were the wish of the highest number of Member States. Since such a solution would de facto establish a third category of members with longer and renewable mandates along with a review clause to be determined in order to address among other issues, the question of veto, it will be necessary to take into account the special interests of small States.][... In the context of the “intermediate solution”, the States that will be candidates for the new seats, whose mandate would be longer (8 to 10 years) (third category of membership) should not be allowed to be candidates to a non permanent seat as currently defined in Article 23, with a two-year mandate.]<sup>39</sup>
- [On the idea of an interim solution creating a third category of seats ... ready to assess interim solutions that would allow for the testing of various models as long as they contain a clear review clause.]<sup>40</sup>
- [...ready to look at other solutions that would allow for the testing of various models, which could garner wide-spread support among members, provided they contain a clear review-clause.]<sup>41</sup>
- [...the middle ground which could garner widest possible acceptance and move things forward is the ‘intermediate approach’][...with a clear review mechanism occurring within 15 to 20 years of the intermediate model coming into force.][...possibility of future reform involving an expansion in permanent members...could be addressed in the examination of ‘review’ concept...][...supports creating a new category of ‘elected’ council seats without veto rights.][...duration of the terms, the re-election arrangements and other arrangements, could be explored and negotiated further.][There should not be any ‘flip-flop’ position when a member state chooses its term seat.]<sup>42</sup>

### 1.5. Abolishment of the permanent category

- [The Security Council will be composed of twenty-five (25) members of the United Nations chosen by the General Assembly according to a geographically equitable distribution of rotating character, with the same rights and obligations established by the

<sup>35</sup> It is understood that the GA will simultaneously decide on a set of measures dealing with the working methods of the Council. This can either be done in a separate part of the resolution or in a stand-alone resolution that is adopted at the same time as the resolution dealing with the enlargement of the Council.

<sup>36</sup> Para 1.9a, b, c of rev2 (Liechtenstein, annex pp104-107).

<sup>37</sup> Para 1.12b, c of rev2 (United Kingdom and France, annex pp115-118).

<sup>38</sup> Para 1.11b, c of rev2 (Peru, annex pp112-114).

<sup>39</sup> Para 1.15b, c of rev2 (Principality of Monaco, annex pp130-134).

<sup>40</sup> Para 1.18b of rev2 (Norway, annex pp144-147).

<sup>41</sup> Para 1.23c of rev2 (Denmark, annex pp175-178).

<sup>42</sup> Para inserted as per Indonesia letter dated 13 December 2010.

Charter.][The members of the Security Council will be chosen by a period of 4 years. The exiting members will not be eligible for the subsequent period.]<sup>43</sup>

#### **1.6. Maintaining current categories of membership**

- [...will not support any partial or selective expansion, nor any increase in the Council's membership to the detriment of developing countries.][...does not favour the creation of new categories of members.]<sup>44</sup>
- [...does not support the idea of having a transitional interim formula for the reform of the Security Council]<sup>45</sup>

#### **1.7. General statements relating to categories of membership**

- [The preservation of the democratic principle lies at the heart of the legitimacy of any reform of the Security Council. The discipline of regular elections is irreplaceable in ensuring an accountable, accessible Security Council, one in which membership is earned as a privileged responsibility, not granted as a permanent right.]<sup>46</sup>
- [...supportive of the compromise platform put forward by Columbia [as contained in A/59/L.68]<sup>47</sup> and Italy...committed to achieving a negotiated solution to the reform of the Security Council...][Recognizing that contemporary world realities, in particular the substantial increase in membership of developing countries since 1963, requires an expansion of the Security Council, in the non-permanent category, in order to ensure fairer opportunities of participation for all Member States, Reaffirming that any expansion of the Security Council should make it more democratic, more equitably representative, more transparent, more effective and more accountable, Convinced that periodic elections and re-elections are the strongest means to promote real accountability, allow for frequent rotation and fair and equitable representation of the Member States in the Security Council]<sup>48</sup>
- [Member States are still seriously divided on the issue of “category”, with no general agreement reached on any solution so far. Member States still need to engage in patient consultations to seek a solution that accommodates each other's interests and concerns.]<sup>49</sup>

## **2. The question of the veto**

*Decides:*

### **2.1 The right of veto as it relates to enlargement**

#### ***2.1.1. Right of veto given to new permanent members***

- [...veto should be abolished but so long as it exists, it should be extended to all members of the permanent category of the Security Council, who must in this regard enjoy all the prerogatives and privileges of permanent membership in the permanent category including the right of the veto as a matter of common justice;]<sup>50</sup>[without establishing selective or discriminatory criteria]<sup>51</sup>
- [...in the course of the negotiations we should talk not about prohibiting or restricting the use of the veto right by the existing Permanent Members of the Security Council – their

<sup>43</sup> Para 1.21a, b of rev2 (Plurinational State of Bolivia, annex pp157-170).

<sup>44</sup> Para 1.7b, c of rev2 (Cuba, annex pp95-101).

<sup>45</sup> Para 1.26b of rev2 (El Salvador).

<sup>46</sup> Para 1.2a of rev2 (Italy/Colombia, annex pp55-58). Para 1.20a of rev2 (Pakistan, annex pp151-156) included in this para.

<sup>47</sup> Para 1.22a of rev2 (ROK, annex pp171-174) moved to this para.

<sup>48</sup> Para 1.13a, b of rev2 (UfC). Para 1.25a of rev2 (Pakistan) moved to this para.

<sup>49</sup> Para 1.16a of rev2 (People's Republic of China, annex pp135-137).

<sup>50</sup> Para 2.1a of rev2 (African Group, annex pp1-5), para 2.19a of rev2 (El Salvador). also, as per L69 letter dated 9 January 2013 para.

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<sup>51</sup> Para 2.7e of rev2 (Cuba, annex pp95-101).

prerogatives should remain intact under any variant of the Council reform – but rather about extending this right to the possible new Permanent Members of Security Council...Therefore, a detailed discussion of the veto can begin at a later stage of negotiations, after a new composition of the Security Council is defined.]<sup>52</sup>

**2.1.1.1. ... new permanent members will not exercise veto until decided upon in review**

- [...the new permanent members should have the same responsibilities and obligations as the current permanent members;][...the new permanent members shall not exercise the right of veto until the question of the extension of the right of veto to new permanent members has been decided upon in the framework of the review....]<sup>53</sup>

**2.1.2. Right of veto not given to new permanent members**

- [We are not open to a Charter amendment that alters the current veto structure.][In view of the Charter requirements, it is unlikely that a Charter amendment extending the veto to new permanent members could be adopted.]<sup>54</sup>
- [...the right of the veto should not be extended to new members regardless of category.]<sup>55</sup>
- [The new permanent members elected to the Security Council following resolution..., will not be considered as part of the concurring majority of permanent members required in paragraph 3) of article 27 of the Charter.][The concurring vote of the permanent members required in para. 3 of article 27 of the Charter will only apply to the original permanent members of the Security Council. /the existing permanent members prior to resolution...][The newly elected permanent members of the Security Council (resolution...) will have no veto power and they will not be considered for the purpose of para. 3 of article 27 of the Charter.]<sup>56</sup>

**2.1.3. Right of veto given to all members of the Security Council**

- [...favor putting an end to the undemocratic privileges derived from the use of veto. However and while we reach the necessary conditions for the elimination of the veto power...supports the extension of it to all members of the Security Council (both permanent and non-permanent)]<sup>57</sup>

**2.2. Current veto structure and prerogatives of current permanent members to remain intact<sup>58</sup>/elimination/limitation/restriction of the use of the veto (statements and proposals)**

**2.2.1. Statements related to keeping current veto structure and prerogatives of current permanent members intact<sup>59</sup>**

- [We are not open to a Charter amendment that alters the current veto structure.][In view of the Charter requirements, it is unlikely that a Charter amendment extending the veto to new permanent members could be adopted.]<sup>60</sup>
- [...in the course of the negotiations we should talk not about prohibiting or restricting the use of the veto right by the existing Permanent Members of the Security Council – their prerogatives should remain intact under any variant of the Council reform – but rather about extending this right to the possible new Permanent Members of Security

<sup>52</sup> Para 2.8a of rev2 (Russian Federation, annex pp108-111).

<sup>53</sup> Para 2.11a, b of rev2 (G-4, annex pp124-129)

<sup>54</sup> Para 2.17a of rev2 (United States of America, annex pp179-180)

<sup>55</sup> Para 2.13b of rev2 (Norway, annex pp144-147), 2.16 of rev2 (Denmark, annex pp175-178).Para inserted Indonesia letter 13Dec. 10.

<sup>56</sup> Para 2.5a,b,c of rev2 (Uruguay, annex pp89-90)

<sup>57</sup> Para 2.12a of rev2 (Bolivarian Republic of Venezuela, annex pp138-143).

<sup>58</sup> Inserted as per Russian letter dated 14 February 2011

<sup>59</sup> Inserted as per Russian letter dated 14 February 2011

<sup>60</sup> Para 2.17a of rev2 (United States of America, annex pp179-180)

Council...Therefore, a detailed discussion of the veto can begin at a later stage of negotiations, after a new composition of the Security Council is defined.]<sup>61</sup>

### **2.2.2 *Statements related to elimination/limitation/restriction of the use of the veto***

- [The reform of the Security Council...should aim at limiting and curtailing/restricting the use of the veto [with a view to its [eventual<sup>62</sup>] elimination.<sup>63</sup>]]<sup>64</sup>
- [Taking into account that it would not be realistic to achieve the elimination of the veto at this point, its use should at least be immediately limited and curtailed.]<sup>65</sup>
- [*Calls* for improving the working methods of the Security Council (...), including in particular: [Restraint on the use of the veto]]<sup>66</sup>
- [...encouraged permanent members of the Council to restrict their use of the veto and abstain from using it in certain situations. We have also called for greater accountability by members using their veto powers. We remain open to proposals limiting the scope and application of the veto based on voluntary commitment by permanent members.]<sup>67</sup>
- [The concept of voluntary “self-restraint” in the use of the veto is insufficient and should not be considered as an option.]<sup>68</sup>
- [Limit the use of veto.]<sup>69</sup>

### **2.2.3. *Elimination of the right of veto***

- [...democratise the decision-making process of the Council, including by eliminating the undemocratic and anachronistic privilege of the veto]<sup>70</sup>
- [... it is proposed that all forms of veto be eliminated, and that be an sovereign attribution under equal conditions for all Member States of the United Nations.]<sup>71</sup>
- [The reform of the Security Council...should aim at limiting and curtailing/restricting the use of the veto [with a view to its [eventual<sup>72</sup>] elimination.<sup>73</sup>]]<sup>74</sup>
- [Options on the question of the veto: -Abolition of the veto.][...*comprehensive reassessment, including the composition and working methods of the Council.*]<sup>75</sup>

### **2.2.4. *Two vetoes are necessary to veto***

- [Furthermore, we favor the requirement of two concurrent negative votes to prevent the adoption of a Council decision.]<sup>76</sup>
- [...one formula that could be evaluated is that, during the voting and in order for a veto to be effective, there should be a requirement for two permanent members to be making use of the veto simultaneously, and, in this way, an interpretation that the use of the veto reflects national interests should be avoided.]<sup>77</sup>

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<sup>61</sup> Para 2.8a of rev2 (Russian Federation, annex pp108-111).

<sup>62</sup> Para 2.10c of rev2 (UfC).

<sup>63</sup> Para 2.9a of rev2 (Peru, annex pp112-114).

<sup>64</sup> Para 2.6a of rev2 (NAM, annex pp91-94), para 4.30e of rev2 (Canada/Mexico, annex pp119-123), para 2.10b of rev2 (Pakistan, annex pp151-156), para 2.10c of rev2 (UfC), para 4.41a of rev2 (Pakistan, annex pp151-156).

<sup>65</sup> Para 2.7b of rev2 (Cuba, annex pp95-101)

<sup>66</sup> Para 2.10b.4.30f of rev2 (Canada/Mexico, annex pp119-123), para 4.41a of rev2 (Pakistan).

<sup>67</sup> Para 2.13a of rev2 (Norway, annex pp144-147)

<sup>68</sup> Para 2.7d of rev2 (Cuba, annex pp95-101)

<sup>69</sup> Para 2.15a of rev2 (ROK, annex pp171-174)

<sup>70</sup> Para 2.7a of rev2 (Cuba, annex pp95-101)

<sup>71</sup> Para 2.14b of rev2 (Plurinational State of Bolivia, annex pp157-170)

<sup>72</sup> Para 2.10c of rev2 (UfC).

<sup>73</sup> Para 2.9a of rev2 (Peru, annex pp112-114).

<sup>74</sup> Para 2.6a of rev2 (NAM, annex pp91-94), para 4.30e of rev2 (Canada/Mexico, annex pp119-123), para 2.10b of rev2 (Pakistan, annex pp151-156), para 2.10c of rev2 (UfC), para 4.41a of rev2 (Pakistan, annex pp151-156).

<sup>75</sup> Para 2.3b, c of rev2 (Italy/Colombia, annex pp55-58)

<sup>76</sup> Para 2.12a of rev2 (Bolivarian Republic of Venezuela, annex pp138-143)

<sup>77</sup> Para 2.9e of rev2 (Peru, annex pp112-114)

**2.2.5. Permanent member casting negative vote could state this isn't non-concurring vote**

- [Permanent Members of the Security Council, when casting a negative vote, could state that this is not a non-concurring vote in the sense of article 27, paragraph 3, of the Charter.]<sup>78</sup>

**2.2.6. Veto should not be permitted on matters relating to SG election, R2P, crimes against humanity, genocide, war crimes, ethnic cleansing, etc.**

- [...the veto power of permanent member of the Council should not be used in the case for appointment of UN Secretary-General.]<sup>79</sup>
- [...the veto should be restrained and permanent members should abstain from using it in certain situations -not least R2P situations.]<sup>80</sup>
- [...it is also important to reach consensus whereby precise limits upon use of veto can be established, with elimination of the possibility of applying veto in cases of genocide, war crimes, crimes against humanity, and in situations of gross human rights violations.]<sup>81</sup>
- [Permanent Members should commit themselves to not casting a non-concurring vote in the sense of article 27, paragraph 3 of the Charter in the event of genocide, crimes against humanity and serious violations of international humanitarian law.]<sup>82</sup>
- [The concurrence shall not, however, be required in matters involving genocide, war crimes, crimes against humanity, ethnic cleansing and terrorism, as well as on recommendations under Art 4(2), 5, 6, 94(2) and 97 and on a matter under Art 96(1).]<sup>83</sup>
- [...regulating and limiting its use to specific cases under Chapter VII of the Charter.]<sup>84</sup>

**2.2.7. Use of veto only applicable on Chapter VII matters**

- [Limitations in respect of the scope of the veto: inter alia, application of the veto only on *Chapter VII-related matters*.]<sup>85</sup>

**2.2.8. Abstention from voting by party to a dispute/art.52, par. 3**

- [Decisions of the Security Council on all other matters/questions shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that in decisions under Chapter VI, and under paragraph 3 or article 52, a party to a dispute/controversy shall abstain from voting.]<sup>86</sup>
- [...The third paragraph of Article 27 imposes limitations upon permanent members whereby they are unable to vote when they are parties to a dispute pertaining to decisions associated with Chapter Six of the Charter, which concerns to pacific settlement of disputes, and decisions in relation to the third paragraph of Article 52, which also pertains to pacific settlement of disputes.]<sup>87</sup>

**2.2.9. Rules to overturn/override a veto**

- [[...adding a 4<sup>th</sup> paragraph to Article 27 to read thus: ]A negative vote of a permanent member of the Security Council, cast on decisions covered by the immediately preceding paragraph, maybe be overturned or set aside by a vote of an absolute majority of the

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<sup>78</sup> Para 2.2c of rev2 (S-5, annex pp16-47)

<sup>79</sup> Para inserted per Indonesia letter dated 13 December 2010

<sup>80</sup> Para 2.16b of rev2 (Denmark, annex pp175-178)

<sup>81</sup> Para 2.9c of rev2 (Peru, annex pp112-114)

<sup>82</sup> Para 2.2b of rev2 (S-5, annex pp16-47)

<sup>83</sup> Para 2.4d of rev2 (Philippines, annex pp63-82)

<sup>84</sup> Para 2.12a of rev2 (Bolivarian Republic of Venezuela, annex pp138-143)

<sup>85</sup> Para 2.3b of rev2 (Italy; Colombia, annex pp55-58)

<sup>86</sup> Para 2.4c of rev2 (Philippines, annex pp63-82), Para 2.14a of rev2 (Plurinational State of Bolivia, annex pp157-170)

<sup>87</sup> Para 2.9b of rev2 (Peru, annex pp112-114)



General Assembly in regular or emergency special session, or by the Security Council itself by a vote of two-thirds of its members...]<sup>88</sup>

- [Additional actions regarding the veto should be implemented, *inter alia*: -Overruling the veto within the Council by an affirmative vote of a certain number of Member States, commensurate with the size of an expanded Council, -Overruling the veto by a two-third majority vote in the General Assembly under the Uniting for Peace procedure and under progressive interpretation of Articles 11 and 24 (1) of the Charter.]<sup>89</sup>

#### **2.2.10. Formalize explanations for use of veto**

- [The negative vote of a permanent member in the exercise of its veto power must be explained.]<sup>90</sup>
- [A permanent member casting a non-concurring vote in the sense of article 27, paragraph 3 of the Charter should explain the reason for doing so at the time the relevant draft resolution is considered, and a copy of the explanation should be circulated as a Security Council document.]<sup>91</sup>

### **2.3. Amendment of decision-making procedure in case of an enlargement of the Council**

- [Each member of the Security Council shall have one vote.][Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.]<sup>92</sup>
- [...to amend also Article 27, paragraphs 2 and 3, and Article 109, paragraph 1, of the Charter to require the affirmative vote of fifteen of the twenty-five members of the Security Council,<sup>93,94</sup>
- [...establish new working methods for voting formulas so that the number of votes needed to approve Council resolutions shall be changed. Under the third paragraph of Article 27, nine votes are currently needed, and the five permanent members should be included among those votes.]<sup>95</sup>
- [Majority required for adoption of substantive decisions in an enlarged Security Council, in accordance with Article 27 of the Charter of the United Nations: Present ratio, that is, 3/5 (60 per cent) of the total Security Council membership, or a greater ratio]<sup>96</sup>

## **3. Regional representation**

*Decides that the members of the Security Council shall be elected accordingly:*

### **3.1. Selection criteria for new members:**

#### **3.1.1 ...according to equitable geographical distribution**

- [Insofar as regional representation is concerned, our position is that this concept signifies [equitable geographical distribution]<sup>97</sup>
- [...the equitable geographical distribution should be ensured by addressing the historical injustice with certain regions.]<sup>98</sup>
- [...chosen by the General Assembly according to a geographically equitable distribution of rotating character...]<sup>99</sup>

<sup>88</sup> Para 2.4f of rev2 (Philippines, annex pp63-82). Para 5.5e of rev2 (Philippines, annex pp63-82). Moved from chapter 5 of rev2

<sup>89</sup> Para 2.7c of rev2 (Cuba, annex pp95-101)

<sup>90</sup> Para 2.4e of rev2 (Philippines, annex pp63-82)

<sup>91</sup> Para 2.2a of rev2 (S-5, annex pp16-47). Para from Indonesia letter dated 13 Dec. 2010 also copied into this para.

<sup>92</sup> Para 2.4b of rev2 (Philippines, annex pp63-82)

<sup>93</sup> Regarding paragraph 3 of Article 27, the requirement of the concurring votes of the permanent members is not amended.

<sup>94</sup> Para 2.10a of rev2 (Canada/Mexico, annex pp119-123, Pakistan, annex pp151-156), Para 2.18a of rev2 (Pakistan)

<sup>95</sup> Para 2.9d of rev2 (Peru, annex pp112-114)

<sup>96</sup> Para 2.3a of rev2 (Italy/Colombia, annex pp55-58)

<sup>97</sup> Para 3.16a of rev2 (G-4, annex pp124-129)

<sup>98</sup> Para 3.21a of rev2 (Pakistan, annex pp151-156)

- [...promoting options for equitable geographic distribution that can increase possibilities of presence for our (Latin American) region, as well as contributing to the objective of achieving more frequent participation in the Council...believes that geographic distribution reflects the spirit of the Charter, which takes individual and sovereign states into consideration under the principle of the sovereign equality of all members.]<sup>100</sup>
- [... support an expansion that addresses the under-representation of Africa, Asia and Latin America and the Caribbean in the Security Council, with members in both categories.]<sup>101</sup>
- [The under-representation of African and Latin-American and Caribbean countries must be redressed.]<sup>102</sup>
- [...strongly believes that the reform of the Security Council must ensure the Latin America and the Caribbean's legitimate right to fair and equitable geographical representation in the Security Council.]<sup>103</sup>
- [underrepresentation from Asia & Africa in the Council's composition must be corrected.]<sup>104</sup>
- [...supports the legitimate aspirations of the African Group of countries in this regard.]<sup>105</sup>
- [...support for the increased and enhanced representation for Africa in the reformed Security Council.]<sup>106</sup>
- [... a reform that will ensure Africa's legitimate right to fair and equitable geographical representation in the Security Council, taking into account the principles, objectives and ideals of the UN Charter for a fairer world based on universalism, equity and regional balance within the UN system;]<sup>107</sup>
- [...the Arab States...demanded a permanent Arab representation in any future expansion in the category of permanent membership of the Security Council...]<sup>108</sup>
- [...any increase in the non-permanent membership of the Security Council should ensure an enhanced representation of the Eastern European Group by the allocation to the said Group of at least one additional non-permanent seat in the enlarged Council.]<sup>109</sup>
- [New seats of the Security Council should be reasonably distributed. The principle of geographic balance should be adhered to, with representation of different civilizations and cultures taken into consideration.]<sup>110</sup>
- [...the opportunity for Member States to serve on the Security Council must be enhanced, particularly for groups which have been traditionally under-represented, such as small and medium States and Africa.]<sup>111</sup>
- [The distribution of seats must reflect the change in composition of the UN membership, and address the non-representation of some regions in the permanent membership category and the under-representation of developing countries in both membership categories.]<sup>112</sup>

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<sup>99</sup> Para 3.22a of rev2 (Plurinational State of Bolivia, annex pp157-170)

<sup>100</sup> Para 3.13a of rev2 (Peru, annex pp112-114)

<sup>101</sup> Para 3.18a of rev2 (Bolivarian Republic of Venezuela, annex pp138-143)

<sup>102</sup> Para 3.19d of rev2 (Norway, annex pp144-147)

<sup>103</sup> Para 3.27 of rev2 (El Salvador)

<sup>104</sup> Para inserted as per Indonesia letter dated 13 December 2010

<sup>105</sup> Para 3.8a of rev2 (Caribbean Community (CARICOM), annex pp86-88)

<sup>106</sup> Para 3.9a of rev2 (NAM, annex pp91-94)

<sup>107</sup> Para 3.1a of rev2 (African Group, annex pp1-5)

<sup>108</sup> Para 3.3a of rev2 (Arab Group, annex pp48-52)

<sup>109</sup> Para 3.5b of rev2 (Eastern European Group, annex pp59-62)

<sup>110</sup> Para 3.17b of rev2 (People's Republic of China, annex pp135-137)

<sup>111</sup> Para 3.21b of rev2 (Pakistan, annex pp151-156)

<sup>112</sup> Para 3.11a of rev2 (L.69 Group, annex pp.102-103)

- [...expanded on the basis of a principle of ensuring full representation of the Non-aligned and developing countries][If the permanent category were expanded, new seats should be given to African region and other developing countries as the first priority.]<sup>113</sup>

### **3.1.2. ...according to development status**

- [... increase the representation of developing countries...]<sup>114</sup>
- [...including both developing and developed countries as new permanent members]<sup>115</sup>
- [The composition of the Council should better reflect the current configuration of the membership of the United Nations, including developing states and smaller states...]<sup>116</sup>
- [The main objective of the expansion of the Council should be to rectify the current insufficient representation in that organ of developing countries from Africa, Asia, and Latin America and the Caribbean.]<sup>117</sup>
- [Security Council reform should give top priority to increasing the representation of developing countries, especially that of African countries...]<sup>118</sup>
- [The composition of the Security Council should be expanded on the basis of a principle of ensuring full representation of the Non-Aligned and developing countries.]<sup>119</sup>
- [...calls for the establishment of a category of non-permanent membership in the Security Council explicitly for Small Island Developing States.]<sup>120</sup>
- [The distribution of seats must reflect the change in composition of the UN membership, and address the non-representation of some regions in the permanent membership category and the under-representation of developing countries in both membership categories.]<sup>121</sup>
- [...expanded on the basis of a principle of ensuring full representation of the Non-aligned and developing countries][If the permanent category were expanded, new seats should be given to African region and other developing countries as the first priority.]<sup>122</sup>

### **3.1.3. ...according to civilization or religion**

- [...any reform of the Security Council must ensure adequate representation of the OIC Member States in any category of membership of the expanded Security Council.][...any reform proposal which neglects the adequate representation of the Islamic Ummah in any category of membership in an expanded Security Council will not be acceptable to the Islamic World.]<sup>123</sup>
- [New seats of the Security Council should be reasonably distributed. The principle of geographic balance should be adhered to, with representation of different civilizations and cultures taken into consideration.]<sup>124</sup>

### **3.1.4. ...according to demography (size of Member State)**

- [On the other hand, ...underscores the importance of the respect for the principle of rotation in the election of non-permanent members of the Security Council in order to ensure a democratic access for small countries to the Council.]<sup>125</sup>

<sup>113</sup> Para 3.20a, b of rev2 (DPR Korea, annex pp148-150)

<sup>114</sup> Para 3.2d of rev2 (Organization of the Islamic Conference, annex pp6-15)

<sup>115</sup> Para 3.24a of rev2 (Denmark, annex pp175-178)

<sup>116</sup> Para 3.19a, d of rev2 (Norway, annex pp144-147)

<sup>117</sup> Para 3.10a of rev2 (Cuba, annex pp95-101)

<sup>118</sup> Para 3.17a of rev2 (People's Republic of China, annex pp135-137)

<sup>119</sup> Para 3.20a of rev2 (DPR Korea, annex pp148-150)

<sup>120</sup> Para 1.5b. of rev2 (Caribbean Community (CARICOM), annex pp86-88). Moved from chapter 1 of rev2, also, as per L69 letter dated 9 January 2013 para 6

<sup>121</sup> Para 3.11a of rev2 (L.69 Group, annex pp.102-103)

<sup>122</sup> Para 3.20a, b of rev2 (DPR Korea, annex pp148-150)

<sup>123</sup> Para 3.2a, b of rev2 (Organization of the Islamic Conference, annex pp6-15)

<sup>124</sup> Para 3.17b of rev2 (People's Republic of China, annex pp135-137)

- [The reform should be conducive to give more countries, small and medium-sized countries in particular, more opportunities to serve in the Security Council on a rotating basis to participate in its decision making process.]<sup>126</sup>
- [It is important to ensure that any reform takes full account of the need to give small states an opportunity to participate in the work of the Security Council.]<sup>127</sup>
- [An enlargement should also take into account smaller states.]<sup>128</sup>
- [...the opportunity for Member States to serve on the Security Council must be enhanced, particularly for groups which have been traditionally under-represented, such as small and medium States and Africa.]<sup>129</sup>
- [*Regular non-permanent seats...as follows: Small States<sup>130</sup>, Medium-sized States<sup>131</sup>, Africa, Asia, Group of Latin American and Caribbean States, Eastern European Group.*][*Arrangements for representation in respect of the seats, including re-election and rotation, should be decided by the respective regional groups.*]<sup>132</sup>

### 3.1.5. ...according to contribution to international peace and security

- [Decisions about new permanent members will be made primarily on the basis of a member's country-specific qualifications.][For any new permanent members, the criteria for selection should begin with the same criteria for non-permanent membership laid out in Article 23 of the Charter, namely that due regard shall be specifically paid in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization.]<sup>133</sup>
- [...The General Assembly shall elect ... non-permanent members of the Security Council, due regard being especially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical or balanced regional distribution.]<sup>134</sup>
- [While equitable geographic representation remains an important principle in the distribution of non-elected seats among regional groups, we should not forget that the Charter pays special regard to the contribution of Member States to the maintenance of international peace and security and to other purposes of the Organization...]<sup>135</sup>

## 3.2 Specific proposals for allocation of seats

### 3.2.1 Allocation of new seats in case of enlargement with non-permanent members: Africa (3), Asia (3), GRULAC (2), WEOG (1), Eastern Europe (1)

- [Distribution of seats. *Decides* that, in order to implement paragraph 3 above, [the twenty non permanent members of the Security Council shall be elected according to the following pattern: six from African States; five from Asian States; four from Latin American and Caribbean States; three from Western European and other States; two from Eastern European States;]]<sup>136</sup>

<sup>125</sup> Para 3.27b of rev2 (El Salvador)

<sup>126</sup> Para 3.17a of rev2 (People's Republic of China, annex pp135-137)

<sup>127</sup> Para 3.24b of rev2 (Denmark, annex pp175-178)

<sup>128</sup> Para 3.19d of rev2 (Norway, annex pp144-147)

<sup>129</sup> Para 3.21b of rev2 (Pakistan, annex pp151-156)

<sup>130</sup> *Population below 1 million, that is, 42 countries, of which 37 have never been elected to the Security Council. Of the 37 never elected: 4 are from Africa; 11 are from Group of Latin American and Caribbean States; 15 are from Asia; 1 is from Eastern European Group; 6 are from Western European and Others Group.*

<sup>131</sup> *Population between 1 million and 10 million, that is, 71 countries, of which 27 have never been elected to the Security Council.*

<sup>132</sup> Para 1.2b, d, e, f of rev2 (Italy/Colombia, annex pp55-58). Moved as per UfC letter of 14 February 2011

<sup>133</sup> Para 3.25a of rev2 (USA, annex pp179-180). Para 1.24b of rev2 (USA, annex pp179-180). Moved from chapter 1.

<sup>134</sup> Para 3.6a of rev2 (Philippines, annex pp63-82)

<sup>135</sup> Para 3.19b of rev2 (Norway, annex pp144-147)

<sup>136</sup> Para 3.26a of rev2 (Pakistan), para 3.15b of rev2 (Canada/Mexico, annex pp119-123 and Pakistan, annex pp151-156)

### **3.2.2 Allocation of new seats in case of enlargement in both categories**

#### **3.2.2.1 Non-permanent: Africa (1-3), Asia (1-2), Eastern-Europe (1), GRULAC (1), WEOG (0-1)**

- [...the four new non-permanent members of the Security Council shall be elected according to the following pattern: One from African States; One from Asian States; One from Eastern European States; One from Latin American and Caribbean States;]<sup>137</sup>
- [...allocation...of a total of five non-permanent seats [for Africa]]<sup>138</sup>
- [The non-permanent members of the Security Council shall be elected for a term of two years. The additional eight non-permanent members shall be composed of two each for the Africa, the Asian and the Latin American and Caribbean Groups of States, and one each for the Eastern European and Western European and other States group...]<sup>139</sup>
- [Four among these [non-permanent] members [elected on the basis of equitable distribution] would be from Africa and Asia, two from Latin America and the Caribbean, one from Western Europe and others group and one from Eastern European Group.]<sup>140</sup>
- [Non-Permanent seats (+5): Africa 1, Asia 2, GRULAC 1, WEOG 0, Eastern Europe 1.]<sup>141</sup>

#### **3.2.2.2 Permanent: Africa ( $\geq 2$ ), Asia (2), GRULAC (1-2), WEOG (1), Eastern-Europe (0-1)**

- [...allocation of no less than two permanent seats for Africa...]<sup>142</sup>
- [appreciates merit in increasing Council's membership...with the understanding that Asia and Africa...are each allocated at least four additional seats.]<sup>143</sup>
- [The new permanent members of the Security Council shall be composed of two each for the African, the Asian, and the Latin American and the Caribbean Groups of States and one each for the Eastern European Group and the Western European and Other States group of states...]<sup>144</sup>
- [Among the new permanent members, at least two countries from Africa, two developing countries from Asia, and two countries from Latin America and the Caribbean must be included.]<sup>145</sup>
- [...the six new permanent members of the Security Council shall be elected according to the following pattern: Two from African States; Two from Asian States; One from Latin American and Caribbean States; One from Western European and Other States;]<sup>146</sup>
- [...the following distribution of additional permanent seats: Two for Africa, two for Asia, one for the Latin American and Caribbean and one for Western European and Others Group.]<sup>147</sup>
- [Permanent seats (+6): Africa 2, Asia 2, GRULAC 1, WEOG 1, Eastern Europe 0.]<sup>148</sup>

<sup>137</sup> Para 3.16c of rev2 (G-4, annex pp124-129)

<sup>138</sup> Para 3.1d of rev2 (African Group, annex pp1-5)

<sup>139</sup> Para 3.6c of rev2 (Philippines, annex pp63-82)

<sup>140</sup> Para 3.7b of rev2 (Slovenia, annex pp83-85)

<sup>141</sup> Para inserted as per Kazakhstan letter dated 15 February 2011

<sup>142</sup> Para 3.1c of rev2 (African Group, annex pp1-5)

<sup>143</sup> Para inserted as per Indonesia letter dated 13 December 2010 p 3

<sup>144</sup> Para 3.6b of rev2 (Philippines, annex pp63-82)

<sup>145</sup> Para 3.10b of rev2 (Cuba, annex pp95-101)

<sup>146</sup> Para 3.16b of rev2 (G-4, annex pp124-129)

<sup>147</sup> Para 3.7a of rev2 (Slovenia, annex pp83-85)

<sup>148</sup> Para inserted as per Kazakhstan letter dated 15 February 2011

### 3.2.2.3 Permanent members – support for/opposition to specific countries

- [...reaffirm the support...for the candidacy of Brazil, Germany, India and Japan for new permanent seats, along with representation for Africa among the permanent members of the Security Council.]<sup>149</sup>
- [...support to the G4 proposal...]<sup>150</sup>
- [A country like Japan refusing the settlement of extra-large past crimes by all means should be off the list.]<sup>151</sup>

### 3.2.3. Allocation of new seats in case of enlargement in intermediary/intermediate /interim/longer term/third category: Africa (2-3), Asia (2-3), GRULAC (1-2), WEOG (1-2), Eastern-Europe (1)

- [Six among these [non-permanent] members [with more frequent rotation] would be from Africa and Asia, two from Latin America and the Caribbean, one from Eastern European group and three from the Western European and others group. The sequence of rotation would need to be determined by the General Assembly.][Four among these [non-permanent] members [elected on the basis of the principle of equitable geographical distribution] would be from Africa and Asia, two from Latin America and the Caribbean, one from Western European and Others Group and one from Eastern European Group.]<sup>152</sup>
- [The following six additional members shall be elected to serve on a permanent basis for renewable terms of [8 / 10]<sup>153</sup> years: two from African States, two from Asian States, one from Latin American and Caribbean States, one from WEOG.]<sup>154</sup>
- [Longer-term ...seats allocated to the regional groups, as follows:  
Africa, Asia, Asia/Africa (on a rotational basis), Group of Latin America and Caribbean States, Western European and Others Group/Eastern European Group (on a rotational basis)]<sup>155</sup>

| Region | Permanent | Longer-Term* | Two-Year Term | Total |
|--------|-----------|--------------|---------------|-------|
| Africa | 0         | 2            | 4             | 6     |
| Asia   | 1         | 2            | 3             | 6     |
| GRULAC | 0         | 2            | 2             | 4     |
| WEOG   | 3         | 1            | 2             | 6     |
| EEG    | 1         | 0            | 2             | 3     |
| Total  | 5         | 7            | 13            | 25    |

\* Regarding the longer-term seats, the length of the term is negotiable.<sup>156</sup>

### 3.3. Role of regional groups in selection

- [...selection of all ... representatives to be done by the African Union for submission to the General Assembly for election;]<sup>157</sup>
- [...increased role of regional groups in determining their representation on the Security Council.]<sup>158</sup>

<sup>149</sup> Para 3.14a of rev2 (United Kingdom and France, annex pp115-118)

<sup>150</sup> Para 1.23b of rev2 (Denmark, annex pp175-178) moved from chapter 1 of rev2.

<sup>151</sup> Para 3.20b of rev2 (DPR Korea, annex pp148-150)

<sup>152</sup> Para 3.7b, c of rev2 (Slovenia, annex pp83-85)

<sup>153</sup> The numbers in square brackets are meant to reflect a middleground and would be subject to negotiation.

<sup>154</sup> Para 3.12a of rev2 (Liechtenstein, annex p104-107)

<sup>155</sup> Para 3.4a of rev2 (UIC).

<sup>156</sup> Para 3.23a of rev2 (ROK, annex pp171-174)

<sup>157</sup> Para 3.1b of rev2 (African Group, annex pp1-5)

<sup>158</sup> Para 3.2c of rev2 (Organization of the Islamic Conference, annex pp6-15)

- [Arrangements for representation in respect of the seats, including re-election and rotation, should be decided by the respective regional groups.]<sup>159</sup>
- [The regional groups, through consultations, must ensure that the additional seats for non-permanent members of the Security Council allotted to them shall be fairly, justly and equitably rotated among the member states in each group...] <sup>160</sup>
- [...each of the five existing geographical groups, as identified...above, shall decide on arrangements among its members for re-election or rotation of its members on the seats allotted to the Group; those arrangements shall also address, as appropriate, a fair subregional representation;] [taking into account equitable geographical distribution]<sup>161</sup>

### 3.4. General statements

- [Considering that the present composition of the Security Council is inequitable and unbalanced]<sup>162</sup>
- [We maintain that only States can be members of the Security Council. We encourage States to consult with other members of their regional group and to ensure broad respect for the decisions of the Council. But it remains an open question how States could represent entire groups...] <sup>163</sup>
- [Maintain existing five regional groups.]<sup>164</sup>

## 4. Size of an enlarged Council and working methods

### 4.1. Size

*Decides that the membership of the Security Council shall be increased from fifteen to:*

#### **4.1.1. Size of an expanded Council (modest, low/mid-twenties, 25, 26, 31)**

- A [more representative and inclusive]<sup>165</sup> Council shall consist of:
  - [a total<sup>166</sup>/between<sup>167</sup>/not less than<sup>168</sup> /not exceed<sup>169</sup>/approximately<sup>170</sup>] [25<sup>171</sup>/26<sup>172</sup>/31<sup>173</sup>] members
  - [low twenties<sup>174</sup> /mid-twenties<sup>175</sup> /into twenties at most<sup>176</sup> /a modest expansion<sup>177</sup>]

#### **4.1.2. General statements relating to the size of the Council**

<sup>159</sup> Para 3.4b of rev2 (Italy/Colombia, annex pp55-58)

<sup>160</sup> Para 3.6d of rev2 (Philippines, annex pp63-82)

<sup>161</sup> Para 3.15c of rev2 (Canada/Mexico, annex pp119-123 and Pakistan, annex pp151-156). Para 3.26b (Pakistan). Para 3.15d (UFC).

<sup>162</sup> Para 3.15a of rev2 (UFC)

<sup>163</sup> Para 3.19c of rev2 (Norway, annex pp144-147)

<sup>164</sup> Para 3.23b of rev2 (ROK, annex pp171-174), para 3.5a of rev2 (Eastern European Group, annex pp59-62)

<sup>165</sup> Para. 4.1a of rev2 (African Group, annex pp1-5)

<sup>166</sup> Para. 4.1a of rev2 (African Group, annex pp1-5)

<sup>167</sup> Para. 4.19a of rev2 (El Salvador)

<sup>168</sup> Para. 4.5a of rev2 (Cuba, annex pp95-101) and para. 4.14a of rev2 (DPR Korea, annex pp148-150)

<sup>169</sup> Para. 4.6a of rev2 (Russian Federation, annex pp108-111)

<sup>170</sup> Para. 4.12a of rev2 (Bolivarian Republic of Venezuela, annex pp138-143), para. 4.16a of rev2 (ROK, annex pp171-174), inserted as per Indonesia letter dated 13 December 2010 pp 3)

<sup>171</sup> Para. 4.4a of rev2 (Slovenia, annex pp83-85); para. 4.8a of rev2 (Canada/Mexico, annex pp119-123, and Pakistan, annex pp151-156); para. 4.9a of rev2 (G-4, annex pp124-129), para. 4.16a of rev2 (ROK, annex pp171-174), para. 4.15a of rev2 (Plurinational State of Bolivia, annex pp157-170)

<sup>172</sup> Para.4.1a of rev2 (African Group, annex pp1-5); para.4.5a of rev2 (Cuba, annex pp95-101); para. 4.12a of rev2 (Venezuela, annex pp138-143); para. 4.14a of rev2 (DPR Korea, annex pp148-150), para. inserted as per Indonesia letter dated 13 Dec 2010

<sup>173</sup> Para. 4.3a of rev2 (Philippines, annex pp63-82) and para. 4.19a of rev2 (El Salvador)

<sup>174</sup> Para. 4.6a of rev2 (Russian Federation, annex pp108-111)

<sup>175</sup> Para. 4.7a of rev2 (Peru, annex pp112-114); para. 4.13a (Norway, annex pp144-147); para.4.17a (Denmark, annex pp175-178)

<sup>176</sup> Para. 4.10a of rev2 (Principality of Monaco, annex pp130-134)

<sup>177</sup> Para. 4.18a of rev2 (USA, annex pp179-180)

- [The exact number of seats will depend on the total size of the expansion and the distribution of those seats among various regions, taking into account equitable geographical distribution][comprehensive reassessment, including the composition and working methods of the Council]<sup>178</sup>
- [The Council should be enlarged to an extent that will enable it to fully redress the imbalance in its structure and increase the representation of developing countries.][The enlargement should also maintain an appropriate ratio in the numbers of Council members from different categories]<sup>179</sup>

## 4.2. Working methods

*Calls for improving the working methods of the Security Council through:*

### 4.2.1. Principles relating to transparency of the Council

- [...improving the working methods of the Council should be an integral part of a comprehensive reform. It is of utmost importance that the Council, when acting on the behalf of all the UN members, takes all possible steps to ensure maximum transparency and interaction with members outside the Council. Transparency should make it easier for non-Members who have a real interest in or knowledge of a matter to make a contribution.]<sup>180</sup>
- [Transparency, openness and consistency are key elements that the Security Council should observe in all its activities, approaches and procedures.]<sup>181</sup>/[For a genuine Security Council reform, we should set it as the ultimate reform goal to ensure fairness and transparency in the Security Council activities.]<sup>182</sup>
- [...recognizes that, in recent years, the Security Council has adopted measures with the purpose of achieving greater transparency in its work. Nevertheless, it believes that self-evaluation still needs to be completed so as to allow identification of new measures that should be implemented in order to increase the effectiveness and efficiency of its work.]<sup>183</sup>
- [Enhance [transparency]<sup>184</sup> and access [and [better] participation] of non-members of the Security Council to the work of the Security Council, including through]<sup>185</sup> / [address the issue of enhanced access and transparency to non-members,<sup>186</sup>]
- [It is necessary for the Council to continue to take stock of its experience and best practices, increase transparency of its work, and heed and respect the views of Member States.]<sup>187</sup>
- [Procedures to guarantee transparency in decision-making, accountability in performance and access to information, including open briefings and interaction with all interested parties;]<sup>188</sup>
- [...stressed that the UN Security Council should act in full transparency and accountability and expressed grave concern over the policies that have prevented this

<sup>178</sup> Para. 4.2a of rev2 ((Italy/Colombia, annex pp55-58). Para. 4.2b of rev2 (UfC)

<sup>179</sup> Para. 4.11a, b of rev2 (People's Republic of China)

<sup>180</sup> Para. 4.39a of rev2 (Denmark, annex pp175-178)

<sup>181</sup> Para. 4.26b of rev2 (Cuba, annex pp95-101) and first part of para. 4.25c (NAM, annex pp91-94)

<sup>182</sup> Para. 4.36a of rev2 (DPR Korea, annex pp148-150)

<sup>183</sup> Para. 4.29a of rev2 (Peru, annex pp112-114)

<sup>184</sup> Para. 4.23a of rev2 (UfC)

<sup>185</sup> Para.4.30b of rev2 (Can/Mex, annex pp119-123, Pakistan, annex pp151-156); para.4.23f (UfC), para. 4.38a (ROK,annex 171-174)

<sup>186</sup> Para. 4.27a of rev2 (L.69 Group, annex pp102-103)

<sup>187</sup> Para. 4.33a of rev2 (People's Republic of China, annex pp135-137)

<sup>188</sup> Para. 4.30a of rev2 (Canada/Mexico, annex pp119-123, and Pakistan, annex pp151-156)



body from performing its main duty based on justice and thus undermined its credibility.]<sup>189</sup>

- [Stressing the urgent need to improve the working methods of the Security Council...in particular the question of transparency in decision-making; accountability; fairer opportunities of participation of Member States; better access to information by all Member States...]<sup>190</sup>
- [...strongly believes that the reform of the Security Council must ensure a more accessible, democratic, representative, accountable and more effective Security Council responding to the challenges and opportunities of the 21<sup>st</sup> century.]<sup>191</sup>
- [Standards of due process and rule of law should be fully taken into account in the decision-making.]<sup>192</sup>
- [Enhancement of the accountability of the Security Council to the general membership.]<sup>193</sup>
- [It is important to provide access to information along with ways for non-members of the Council to participate in its work, as well as to ensure not only that the flow of information shall be fast but that its content shall be substantive instead of merely referential.]<sup>194</sup>

#### **4.2.2 Relationship between SC and its bodies and non-Member States of the SC**

##### *4.2.2.1 Increase number of public meetings*

- [[To increase the number of public meetings, in accordance with Articles 31 and 32 of the Charter];<sup>195</sup> / [In accordance with Articles 31 and 32 of the Charter, the Security Council should, as a general rule, meet in a public format open to all Member States of the United Nations.]<sup>196</sup>
- [[Closed meetings and informal consultations should be kept to a minimum and<sup>197</sup> / [Holding of Security Council meetings in an open format and keeping to a minimum closed meetings and informal consultations<sup>198</sup>] as the exception they were meant to be.<sup>199</sup> / [more frequently holding Security Council meetings in an open format and keeping closed meetings to a minimum]<sup>200</sup>]
- [we support the efforts to make open format meetings the rule and not the exception<sup>201</sup>] / [As a general rule, meet in a public forum open to all Member States of the United Nations. Exceptionally, the Security Council may decide to meet in private;]<sup>202</sup>
- [By adding new paragraphs to the following rules: Rule 1: Meetings of the Security Council shall, with the exception of the periodic meetings referred to in Rule 4, be held at the call of the President at any time he deems necessary, but the interval between meetings shall not exceed fourteen days. *Open debates on Security Council issues of*

<sup>189</sup> Para. 4.21a of rev2 (Organization of the Islamic Conference, annex pp6-15)

<sup>190</sup> Para. 4.30e of rev2 (UfC)

<sup>191</sup> Para. 4.42a of rev2 (Inserted as per El Salvador letter dated 8 March 2010)

<sup>192</sup> Para. 4.22n of rev2 (S-5, annex pp16-47)

<sup>193</sup> Para 5.4a of rev2 (Italy/Colombia, annex pp55-58). Moved from chapter 5 of rev2

<sup>194</sup> Para. 4.29b of rev2 (Peru, annex pp112-114). Moved as per Peru letter dated 15 February 2011.

<sup>195</sup> Para. 4.20a of rev2 (African Group, annex pp1-5) and para. 4.25f (NAM, annex pp91-94)

<sup>196</sup> Para. 4.26c of rev2 (Cuba, annex pp95-101)

<sup>197</sup> Para. 4.25c of rev2 (NAM, annex pp91-94) and para. 4.26c (Cuba, annex pp95-101)

<sup>198</sup> Para. 4.23c of rev2 (Inserted as per UfC letter dated 19 May 2010)

<sup>199</sup> Para. 4.25c of rev2 (NAM, annex pp91-94); para. 4.23c (UfC), para. 4.26c of rev2 (Cuba, annex pp95-101)

<sup>200</sup> Para. 4.38b of rev2 (ROK, annex pp171-174)

<sup>201</sup> Para. 4.34 of rev2 (Bolivarian Republic of Venezuela, annex pp138-143)

<sup>202</sup> Para. 4.31a of rev2 (G-4, annex pp124-129), para inserted as per Indonesia letter dated 13 December 2010 pp 4-5

*utmost importance must be held as often as possible, with adequate prior notice to the members of the United Nations which are not members of the Security Council.*<sup>203</sup>

- [We require a Security Council that is agile and authoritative, but most importantly one that is open to the scrutiny of all members of the United Nations. The issue is not only that, with few exceptions, the majority of its meetings be open, but also that the principal decisions not be negotiated “behind the scene” without recordkeeping or minutes.]<sup>204</sup>
- [The Security Council should, in a timely fashion and whenever appropriate, hold substantive orientation debates open to all Member States on matters under its consideration.]<sup>205</sup>

#### 4.2.2.2 Briefings by the Security Council

- [Better access to information through open briefings]<sup>206</sup>
- [On matters discussed in private meetings, frequent, timely and substantive briefings should be offered to non-members.]<sup>207</sup>
- [[Hold<sup>208</sup>/providing<sup>209</sup>] frequent, timely and qualitative briefings for [non-Security Council members / non-members] on the matters discussed [in Council informal consultations and in the subsidiary bodies<sup>210</sup>/ in the Security Council and its subsidiary organs, including briefings on its ad hoc missions, their terms of reference and the findings of such missions<sup>211</sup>/in the informal consultations and in the subsidiary bodies<sup>212</sup>.]]<sup>213</sup>
- [[To allow for<sup>214</sup>/Call on the Security Council to allow]<sup>215</sup> briefings by the Special Envoys or Representatives of the Secretary-General and the UN Secretariat to take place in public meetings, unless in exceptional circumstances.]<sup>216</sup>
- [Briefings by UN officials to the Security Council should as far as possible be made accessible to all member states, while consultations thereafter may be held in a private setting.]<sup>217</sup>

#### 4.2.2.3 Art. 31 & 32 of UN Charter – participation/consultations of non-Member States

- [Effective Implementation of<sup>218</sup>]Implement Articles 31 and 32 of the Charter by consulting with non-Security Council members on a regular basis, especially members with a special interest in the substantive matter under consideration by the Council,<sup>219</sup>]
- [The Council must comply with the provisions of Article 31 of the Charter, which allow any non-Council member to participate in discussions on matters affecting it. Rule 48 of the Provisional Rules of Procedure of the Council should be thoroughly observed.<sup>220</sup>]
- [By adding new paragraphs to the following rules: Rule 37: Any member of the United Nations which is not a member of the Security Council *shall* be invited, ~~[as a result of a~~

<sup>203</sup> Para. 4.24c of rev2 (Philippines, annex pp63-82)

<sup>204</sup> Para. 4.37a of rev2 (Plurinational State of Bolivia, annex pp157-150)

<sup>205</sup> Para. 4.26d of rev2 (Cuba, annex pp95-101)

<sup>206</sup> Para. 4.23b of rev2 (Italy/Colombia, annex pp55-58)

<sup>207</sup> Para. 4.22b of rev2 (S-5, annex pp16-47), para. 4.42b of rev2 (El Salvador), para. 4.35b of rev2 (Norway, annex pp144-147)

<sup>208</sup> Para. 4.31e of rev2 (G-4, annex pp124-129)

<sup>209</sup> Para. 4.38c of rev2 (ROK, annex pp171-174)

<sup>210</sup> Para. 4.23e of rev2 (Italy/Colombia, annex pp55-58)

<sup>211</sup> Para. 4.31e of rev2 (G-4, annex pp124-129)

<sup>212</sup> Para. 4.38c of rev2 (ROK, annex pp171-174)

<sup>213</sup> Para. 4.23e of rev2 (Italy/Colombia, annex pp55-58); para. 4.31e (G-4, annex pp124-129), para. 4.38c (ROK, annex pp171-174)

<sup>214</sup> Para. 4.20b of rev2 (African Group, annex pp1-5)

<sup>215</sup> Para. 4.25g of rev2 (NAM, annex pp91-94)

<sup>216</sup> Para. 4.20b of rev2 (African Group, annex pp1-5); para. 4.25g (NAM, annex pp91-94) and para. 4.26e (Cuba, annex pp95-101)

<sup>217</sup> Para. 4.22a of rev2 (S-5, annex pp16-47), para. 4.42b of rev2 (El Salvador), para. 4.35b of rev2 (Norway, annex pp144-147)

<sup>218</sup> Para inserted as per Indonesia letter dated 13 December 2010

<sup>219</sup> Para. 4.31b of rev2 (G-4, annex pp124-129)

<sup>220</sup> Para. 4.25c of rev2 (NAM, annex pp91-94)

~~decision of the Security Council]~~ to participate, without a vote, in the discussion of any question brought before the Security Council when<sup>221</sup> ~~[the Security Council considers that]~~ the interests of that member are especially *or directly* affected, [or when a member brings a matter to the Security Council in accordance with Art 31(1) of the Charter.]<sup>222</sup>

- [The State in question should be allowed to participate in the discussions of the Council on matters directly affecting such State, under Article 31 of the Charter.<sup>223</sup>
- [and [to ensure] that these meetings should provide real opportunities to take into account the views and contributions of the wider membership of the UN, particularly non-Council members whose affairs are under discussion of the Council;]<sup>224</sup>
- [Establishing mechanisms to ensure that views and interests of Member States affected or concerned by any matter in the agenda, including troop-contributing countries and host countries, are heard and taken into account.<sup>225</sup>
- [Interaction of the Security Council with all interested and concerned parties, particularly in the decision-making process]<sup>226</sup>
- [[Full and more vigorous implementation of Articles 31 and 32 of the Charter of the United Nations]<sup>227</sup> [with]in [the context of] the work of the Security Council and its subsidiary bodies<sup>228</sup>]
- [Consultations with non-members should take place as part of the standard operating procedures (cf. articles 31 and 32 of the Charter).<sup>229</sup>
- [...we support the efforts (...) to promote the participation of non-permanent members in all its deliberations and consultations.]<sup>230</sup>

#### 4.2.2.4 Consultations with/participation of TCCs

- [involvement of Troop Contributing Countries in decision making on all aspects of peacekeeping operations.]<sup>231</sup>
- [To [further] enhance its relationship with the UN Secretariat and troop contributing countries (TCC), including through a sustained, regular and timely interaction. Meetings with TCCs should be held not only in the drawing up of mandates, but also in their implementation, when considering a change in, or renewal of, or completion of a mission mandate, or when there is a rapid deterioration of the situation on the ground.]<sup>232</sup> [In this context, the Security Council Working Group on Peacekeeping Operations should involve TCCs more frequently and intensively in its deliberations, especially in the very early stages of mission planning;]<sup>233</sup>
- [[Hold] regular and timely consultations [with troop-contributing countries and countries that contribute financial resources, as well as other countries that are directly concerned or affected by a peacekeeping operation, as appropriate, before and during the decision-making process for the establishment, conduct, review and termination of peacekeeping operations, including the extension and change of mandates, as well as for specific operational issues;]<sup>234</sup> [should be held at all stages and on all aspects of decision-making

<sup>221</sup> Para. 4.24a of rev2 (Philippines, annex pp63-82)

<sup>222</sup> Para. 4.24g of rev2 (Philippines, annex pp63-82)

<sup>223</sup> Para. 4.26i of rev2 (Cuba, annex pp95-101)

<sup>224</sup> Para. 4.20a of rev2 (African Group, annex pp1-5); para. 4.26c (Cuba, annex pp95-101) and para. 4.25f (NAM, annex pp91-94)

<sup>225</sup> Para. 4.23j of rev2 (Italy/Colombia, annex pp55-58)

<sup>226</sup> Para. 4.23h of rev2 (Italy/Colombia, annex pp55-58)

<sup>227</sup> Para. 4.27a of rev2 (L.69 Group, annex pp102-103)

<sup>228</sup> Para. 4.23g of rev2 (Italy/Colombia, annex pp55-58) and para. 4.38d of rev2 (ROK, annex pp171-174)

<sup>229</sup> Para. 4.22b of rev2 (S-5, annex pp16-47)

<sup>230</sup> Para. 4.34a of rev2 (Bolivarian Republic of Venezuela, annex pp138-143)

<sup>231</sup> Part of para. 4.27a of rev2 (L.69 Group, annex pp102-103)

<sup>232</sup> Para. 4.20c of rev2 (African Group, annex pp1-5) and para. 4.26n (Cuba, annex pp95-101)

<sup>233</sup> Para. 4.20c of rev2 (African Group, annex pp1-5) and para. 4.25h of rev2 (NAM, annex pp91-94)

<sup>234</sup> Para. 4.31f of rev2 (G-4, annex pp124-129) and para inserted as per Indonesia letter dated 13 Dec. 2010

with countries contributing civilian or military personnel or substantive financial resources, as well as other countries that are directly affected by a peacekeeping operation.]<sup>235]</sup>

- [Regular and timely dialogue with the Secretariat and TCCs on the evaluation of operations should be held to improve implementation thereof.]<sup>236</sup>
- [Regular strategic joint briefings, both cross-cutting and on individual PKOs, should involve the DPKO/DFS, political-military experts of the Security Council and the troop-contributing countries.]<sup>237</sup>

#### 4.2.2.5 *Subsidiary bodies*

- [[*Call on the Council*]<sup>238</sup> to establish its subsidiary organs in accordance with the letter and spirit of the UN Charter, and that these organs should function in a manner that would provide adequate and timely information on their activities to the general UN membership]<sup>239</sup>
- [The quality and frequency of formal and informal reports on the work of subsidiary bodies should be improved.]<sup>240</sup>
- [Non-members should be offered opportunities, upon their request, to provide substantive input to the work of subsidiary bodies.]<sup>241</sup>
- [[Subsidiary organs of the Council should function in a manner that would provide adequate and timely information on their activities to the general UN membership.]<sup>242</sup> [to ensure that non-Members are given<sup>243</sup>/grant non-members<sup>244</sup>] [access to subsidiary organs of the Council, including the right to participate, as appropriate.]<sup>245</sup>
- [Fully implementing Articles 31 and 32 of the UN Charter in the work of the Council and its subsidiary bodies.]<sup>246</sup>

#### 4.2.3. *Relationship between the SC and other UN organs and entities*

- [Smooth transition from peacekeeping to peacebuilding should be facilitated through early and continued cooperation with the Peace Building Commission.]<sup>247</sup>
- [It is important to provide access to information along with ways for non-members of the Council to participate in its work, as well as to ensure not only that the flow of information shall be fast but that its content shall be substantive instead of merely referential.]<sup>248</sup>

#### 4.2.4. *Relationship between the SC and regions*

- [The Security Council, in accordance with the provisions of Chapter VIII of the Charter, should enhance its cooperation and consultations on matters affecting the maintenance of international peace and security with the relevant regional arrangements and agencies, as appropriate.]<sup>249</sup>

<sup>235</sup> Para. 4.22p of rev2 (S-5, annex pp16-47)

<sup>236</sup> Para. 4.22u of rev2 (S-5, annex pp16-47)

<sup>237</sup> Para. 4.22q of rev2 (S-5, annex pp16-47)

<sup>238</sup> Para. 4.25j of rev2 (NAM, annex pp91-94)

<sup>239</sup> Para. 4.20e of rev2 (African Group, annex pp1-5) and para. 4.25j of rev2 (NAM, annex pp91-94)

<sup>240</sup> Para. 4.22f of rev2 (S-5, annex pp16-47)

<sup>241</sup> Para. 4.22g of rev2 (S-5, annex pp16-47)

<sup>242</sup> Para. 4.26k of rev2 (Cuba, annex pp95-101)

<sup>243</sup> Para. 4.26k of rev2 (Cuba, annex pp95-101)

<sup>244</sup> Para. 4.31c of rev2 (G-4, annex pp124-129)

<sup>245</sup> Para. 4.26k of rev2 (Cuba, annex pp95-101) and para. 4.31c (G-4, annex pp124-129)

<sup>246</sup> Para. 4.38d of rev2 (ROK, annex pp171-174)

<sup>247</sup> Para. 4.22v of rev2 (S-5, annex pp16-47)

<sup>248</sup> Para. 4.29b of rev2 (Peru, annex pp112-114). Moved as per Peru letter dated 15 February 2011.

<sup>249</sup> Para. 4.22w of rev2 (S-5, annex pp16-47)

- [Expansion of consultation and cooperation of the Security Council with regional organizations and countries in the region concerned.]<sup>250</sup>

#### 4.2.5 Technical, procedural issues

##### 4.2.5.1 Rights of non-Council members

- [When a non-Council member requests a meeting of the Security Council in accordance with Article 35 of the Charter, the requested meeting should be promptly convened by the Council.]<sup>251</sup>
- [If non-members participate in a meeting of the Council, the Presidency should ensure the right to be heard by letting those with a direct interest in the outcome speak prior to members.]<sup>252</sup>
- [By adding new paragraphs to the following rules: Rule 38: Any member of the United Nations invited in accordance with the preceding rule, or in the application of Article 32 of the Charter, to participate in the discussions of the Security Council may submit proposals and draft resolutions. The proposals and draft resolutions [~~may~~] *shall* be put to a vote [~~only~~] at the request of the representative on the Security Council.]<sup>253</sup>

##### 4.2.5.2 Availability of information, documentation, timeliness

- [[It is important to provide]<sup>254</sup> [greater/better<sup>255</sup>] access to information [by all Member States]<sup>256</sup> [along with ways for non-members of the Council to participate in its work, as well as to ensure not only that the flow of information shall be fast but that its content shall be substantive, instead of merely being referential]<sup>257</sup>].<sup>258</sup>
- [The tentative forecast of the programme of work should be shared with the larger membership as soon as it is available followed by a briefing by the incoming Presidency. Regular updates of the programme of work should be offered on the website of the Council.]<sup>259</sup>
- [By adding new paragraphs to the following rules: Rule 8: The provisional agenda for a meeting shall be communicated by the Secretary General to the representatives of the Security Council at least three days before the meeting, but in urgent circumstances, it may be communicated simultaneously with the notice of the meeting. *This provisional agenda shall likewise be communicated through the Security Council website to the members of the United Nations which are not members of the Security Council.*]<sup>260</sup>
- [By adding new paragraphs to the following rules: Rule 12: The provisional agenda for each periodic meeting shall be circulated to the members of the Security Council at least twenty-one days before the opening of the meeting. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members at least five days before the meeting. The Security Council may, however, in urgent circumstances, make additions to the agenda at any time during a periodic meeting. Copies of the provisional agenda shall be communicated to *the members of the United Nations which are not*

<sup>250</sup> Para. 4.23k of rev2 (Italy/Colombia, annex pp55-58)

<sup>251</sup> Para. 4.26f of rev2 (Cuba, annex pp95-101)

<sup>252</sup> Para. 4.22h of rev2 (S-5, annex pp16-47)

<sup>253</sup> Para. 4.24h of rev2 (Philippines, annex pp63-82)

<sup>254</sup> Para. 4.29b of rev2 (Peru, annex pp112-114); Canada/Mexico, annex pp119-123, and Pakistan, annex pp151-156

<sup>255</sup> Para. 4.30e of rev2 (Cana/Mexico, annex pp119-123, and Pakistan, annex pp151-156), para. 4.29b of rev2 (Peru, annex pp112-114)

<sup>256</sup> Para. 4.30e of rev2 (Canada/Mexico, annex pp119-123, Pakistan, annex pp151-156)

<sup>257</sup> Para. 4.29b of rev2 (Peru, annex pp112-114)

<sup>258</sup> Para. 4.29b of rev2 (Peru, annex pp112-114), para. 4.30e of rev2 (Cana/Mexico, annex pp119-123, and Pakistan, annex pp151-156)

<sup>259</sup> Para. 4.22d of rev2 (S-5, annex pp16-47; para. 4.31d of rev2 (G-4, annex pp124-129)

<sup>260</sup> Para. 4.24d of rev2 (Philippines, annex pp63-82)

*members of the Security Council through the Security Council website at least two days before the meeting.]*<sup>261</sup>

- [Make available to non-members of the Council draft resolutions and presidential statements [, as well as other draft documents that are tabled at informal consultations of the whole of the Council for action on its agenda items,]<sup>262</sup> [timely<sup>263</sup>/as soon as they are introduced in informal consultations<sup>264</sup>/ as soon as such documents are tabled, or earlier, if so authorized by the author of the draft].]<sup>265</sup>
- [By adding new paragraphs to the following rules: Rule 11: The Secretary General shall communicate each week to the representatives of the Security Council a summary statement of matters of which the Security Council is seized and of the stage reached in their consideration. *The Security Council shall also provide through its website the members of the United Nations which are not members of the Security Council with copies of such summary statements.*]<sup>266</sup>
- [The Security Council should ensure that its monthly assessments are comprehensive and analytical, and issued in a timely fashion.]<sup>267</sup>
- [Timely decision on the format of meetings to allow the membership sufficient preparation.]<sup>268</sup>
- [Ensuring that members are fully informed of the nature and scope of Council's activities not only through full and informative press releases, but also by effectively communicating their views on issues of concern taken by Council in its informal consultations. Convening more formal meetings and informal consultations involving the interested parties prior to the adoption of decisions to allow for wider participation;]<sup>269</sup>

#### 4.2.5.3. Formalize rules of procedure

- [The Rules of Procedures of the Security Council, which have remained provisional for more than 60 years, should be formalized in order to improve its transparency and accountability.]<sup>270</sup>
- [Adoption [and circulation]<sup>271</sup> of formal rules of procedure [of the Security Council, after appropriate consultation with the general membership.]<sup>272-273</sup>
- [...request the Security Council to favorably consider the following amendments to the current Provisional Rules of Procedure of the Security Council, thus: Deleting of the word provisional in the title of its current Rules of Procedure]<sup>274</sup>
- [the Security Council should prepare a final version of its rules and regulations, making specific mention of articles of the UN Charter which set out its powers and functions.]<sup>275</sup>

#### 4.2.5.4. Election of ICJ members

- [By adding new paragraphs to the following rules: Rule 40: Voting in the Security Council shall be in accordance with the relevant Articles of the Charter and the Statute of

<sup>261</sup> Para. 4.24f of rev2 (Philippines, annex pp63-82)

<sup>262</sup> Para. 4.31d of rev2 (G-4, annex pp124-129), para inserted as per Indonesia letter dated 13 Dec. 2010

<sup>263</sup> Para. 4.23d of rev2 (Italy/Colombia, annex pp55-58)

<sup>264</sup> Para. 4.22c of rev2 (S-5, annex pp16-47), para. 4.42b of rev2 (El Salvador), para. 4.35b of rev2 (Norway, annex pp144-147)

<sup>265</sup> Para. 4.23d of rev2 (Italy/Col, annex pp55-58), para inserted per Indonesia letter 13Dec2010, 4.31d of rev2 (G4, annex pp124-129)

<sup>266</sup> Para. 4.24e of rev2 (Philippines, annex pp63-82)

<sup>267</sup> Para. 4.26h of rev2 (Cuba, annex pp95-101)

<sup>268</sup> Para. 4.23i of rev2 (Italy/Colombia, annex pp55-58)

<sup>269</sup> Para 5.1d of rev2 (African Group, annex pp1-5). Moved from chapter 5 of rev2.

<sup>270</sup> Para. 4.20i of rev2 (African Group, annex pp1-5); 4.25e of rev2 (NAM, annex pp91-94) and 4.26g of rev2 (Cuba, annex pp95-101)

<sup>271</sup> Para. 4.30c of rev2 (Canada/Mexico, annex pp119-123, and Pakistan, annex pp151-156)

<sup>272</sup> Para. 4.231 of rev2 (Italy/Colombia, annex pp55-58)

<sup>273</sup> Para. 4.231 of rev2 (Italy/Colombia, annex pp55-58), 4.30c of rev2 (Canada Mexico, annex pp119-123, Pakistan, annex pp151-156)

<sup>274</sup> Para. 4.24b of rev2 (Philippines, annex pp63-82)

<sup>275</sup> Para 5.12e of rev2 (Bolivarian Republic of Venezuela, annex pp138-143). Moved from chapter 5 of rev2.

the International Court of Justice. *It shall, however, be understood that in the elections of members of the International Court of Justice, the members of the Security Council shall, each have one vote in both its capacity as member of the Security Council and as member of the General Assembly which, upon resolution by the Security Council made at least two months before the election and communicated forthwith to the General Assembly, may be cast during the election in the General Assembly, or in a separate election in the Security Council simultaneously done with that in the General Assembly the results of which shall forthwith be reported to the latter.*<sup>276</sup>

- Article 97 [The Secretariat shall comprise of a Secretary General and such staff as the Organization may require. The Secretary General shall be appointed by the General Assembly ~~[upon the recommendation of]~~ *in consultation with* the Security Council. He shall be the chief administrative officer in the Organization.]<sup>277</sup>

Article 18 [Each member of the General Assembly shall have one vote. *In the election of the Judges of the International Court of Justice such vote may be cast in the Security Council if such member is also a member of the Security Council or in the General Assembly under such procedure as may be prescribed by the Security Council.*]<sup>278</sup>

#### 4.2.6 Missions/mandates

- [Mandates should have clear strategic political objectives and key benchmarks which the SecGen can report against and which the Council can base its evaluations on.]<sup>279</sup>
- [The Council should report to non-members in a timely manner and in detail on its missions, including their budgetary aspects.]<sup>280</sup>
- [A thorough lessons-learned study on a peacekeeping operation after its termination (eg UNMEE) should be commissioned.]<sup>281</sup>
- [Best practices for authorising new missions should be developed, including a set of principles based on the Brahimi report, as well as drafting guidelines for resolutions.]<sup>282</sup>

#### 4.2.7 Sanctions used in general interest of membership

- [To avoid any recourse to the imposition or prolongation of sanctions or their extension by the Security Council against any State under the pretext or with the aim of achieving the political objectives of one or a few States, rather than in the general interest of the international community;]<sup>283</sup>
- [Where sanctions involve lists of individuals or entities, sanctions committees should establish fair and clear procedures for listing and delisting, reflecting standards of due process. These procedures should be shared with non-members.]<sup>284</sup>
- [[...The objectives of sanctions are not to punish or otherwise exact retribution on the populace. In this regard, the objectives of sanctions regimes should be clearly defined, and that its<sup>285</sup> / sanctions should be considered to be imposed only after all means of peaceful settlement of disputes under Chapter VI of the Charter have been exhausted and a thorough consideration undertaken of the short-term and long-term effects of such sanctions. The<sup>286</sup>] imposition should be for a specified timeframe and be based on tenable

<sup>276</sup> Para. 4.24i of rev2 (Philippines, annex pp63-82)

<sup>277</sup> Para 5.5f of rev2 (Philippines, annex pp63-82). Moved from chapter 5 of rev2.

<sup>278</sup> Para 5.5g of rev2 (Philippines, annex pp63-82). Moved from chapter 5 of rev2.

<sup>279</sup> Para. 4.22t of rev2 (S-5, annex pp16-47)

<sup>280</sup> Para. 4.22j of rev2 (S-5, annex pp16-47)

<sup>281</sup> Para. 4.22s of rev2 (S-5, annex pp16-47)

<sup>282</sup> Para. 4.22r of rev2 (S-5, annex pp16-47)

<sup>283</sup> Para. 4.20h of rev2 (African Group, annex pp1-5)

<sup>284</sup> Para. 4.22o of rev2 (S-5, annex pp16-47)

<sup>285</sup> Para. 4.25b of rev2 (NAM, annex pp91-94)

<sup>286</sup> Para. 4.26m of rev2 (Cuba, annex pp95-101)

legal grounds, and that it should be lifted as soon as the objectives are achieved. The conditions demanded of the State or party on which sanctions are imposed should be clearly defined and subject to periodic review. Sanctions should be imposed only when there is a threat to international peace and security or an act of aggression, in accordance with the UN Charter [, and that it is not applicable “preventively” in instances of mere violation of international law, norms or standards]<sup>287</sup>.]<sup>288</sup>

- [The member states, particularly affected by sanctions, at their request, should be given the opportunity of participating in meetings of relevant sanctions committees. The Council should also grant affected non-members access to the subsidiary organs of Council, including the right to participate and give substantial inputs.]<sup>289</sup>

#### 4.2.8 Implementation

- [Where decisions of the Security Council require implementation by all member states, the Council should]<sup>290</sup>/[The Council should explore ways to assess the extent to which its decisions require implementation by all member states. The Council should seek the views of countries,] [to ensure that their ability to implement its decision is taken into account in the decision-making process.]<sup>291</sup>
- [A lessons-learned group should be established with the mandate to:
  - Assess whether Security Council decisions have been implemented;
  - Analyze obstacles to implementation and reasons for non-implementation;
  - Suggest mechanisms or measures to enhance implementation.]<sup>292</sup>
- [Review of the implementation of decisions of the Security Council.]<sup>293</sup>

#### 4.2.9. UN Charter related matters: Use Chapter VII only as last resort/after Chapter VI

- [[Call on the Council to avoid/refrain from resorting<sup>294</sup> / The Security Council can not resort<sup>295</sup>] to Chapter VII of the Charter as an umbrella for addressing issues that do not [necessarily] pose a threat to international peace and security, and [to/should<sup>296</sup>] fully utilize the provisions of other relevant Chapters, where appropriate, including Chapter VI and VIII, before invoking Chapter VII which should be a measure of last resort, if necessary.]<sup>297</sup>
- [...Instead of excessive and quick use of Chapter VII, efforts should be made to fully utilize the provisions of Chapters VI and VIII for the pacific settlement of disputes. Chapter VII should be invoked, as intended, as a measure of last resort.]<sup>298</sup>

#### 4.2.10 Miscellaneous

- [Key provisions of thematic resolutions should be incorporated into country specific resolutions, where applicable.]<sup>299</sup>
- [To ensure that the views of Member States, obtained through Public Debates on cross-cutting thematic issues, are reflected in relevant resolutions and presidential statements

<sup>287</sup> Para. 4.25b of rev2 (NAM, annex pp91-94)

<sup>288</sup> Para. 4.25b of rev2 (NAM, annex pp91-94) and 4.26m of rev2 (Cuba, annex pp95-101)

<sup>289</sup> Para inserted as per Indonesia letter dated 13 December 2010

<sup>290</sup> Para. 4.22i of rev2 (S-5, annex pp16-47)

<sup>291</sup> Para. 4.22i of rev2 (S-5, annex pp16-47), para inserted as per Indonesia letter dated 13 Dec. 2010

<sup>292</sup> Para. 4.22k of rev2 (S-5, annex pp16-47)

<sup>293</sup> Para. 4.23m of rev2 (Italy/Colombia, annex pp55-58)

<sup>294</sup> Para. 4.25k of rev2 (NAM, annex pp91-94) and para. 4.20g of rev2 (African Group, annex pp1-5)

<sup>295</sup> Para. 4.26o of rev2 (Cuba, annex pp95-101)

<sup>296</sup> Para. 4.26o of rev2 (Cuba, annex pp95-101), 4.25k of rev2 (NAM, annex pp91-94), 4.20g of rev2 African Group, annex pp1-5)

<sup>297</sup> Para. 4.20g of rev2 (African Group, annex pp1-5), 4.25k of rev2 (NAM, annex pp91-94) and 4.26o of rev2 (Cuba, annex pp95-101)

<sup>298</sup> Para. 4.25a of rev2 (NAM, annex pp91-94)

<sup>299</sup> Para. 4.22m of rev2 (S-5, annex pp16-47)



adopted thereafter, instead of the current practice of adopting resolutions and presidential statements without reference to such discussions.]<sup>300</sup>

- [“Arria-formula” meetings should be used more frequently in a more flexible manner for informal exchanges with member states, organizations or individuals.]<sup>301</sup>
- [Best practices of consultations between the Council and non-members should be incorporated in briefings given to newly elected members of the Council.]<sup>302</sup>

#### **4.2.11 General statements relating to the working methods of the Council**

- [Working methods of the Security Council have to be improved. It should be done in a transparent way based on the opinions of the Member States. However, the prerogative in this process should belong to the Security Council itself. Thus...it would be appropriate to withdraw the Security Council working methods from the list of key issues subject to a possible review of the Security Council reform after the Member States come in the course of the intergovernmental talks to a package arrangement on the Council reform issue. Both the Security Council working methods and the current Security Council Permanent Members’ veto right issue should not be among the topics subject to the Security Council review process.]<sup>303</sup>
- [We are not open to a change to Article 30 of the Charter. The Council's working methods should be determined by the Council.]<sup>304</sup>
- [*Underlines*, in addition to the provisions...above, the need to elaborate further provisions through consultations among Member States.]<sup>305</sup>
- [Indubitably, the members of the Security Council have been improving its working methods since the establishment of the Working Group and they have the capacity to adopt its own rules of procedure. Nevertheless, the undertaking of the reform justifies the participation of all Members of the General Assembly.]<sup>306</sup>
- [Simply enlarging the Council without making it more efficient will undermine the legitimacy of the Council]<sup>307</sup>
- [There will not be a true reform of the working methods while there is a Security Council that is not expanded in both categories of members and developing countries are not adequately represented there.]<sup>308</sup>
- [[The reform of the Security Council...should ensure that] the agenda of the Council should reflect the needs and interests of both developing and developed countries, in an objective, rational, non-selective and non-arbitrary manner.]<sup>309</sup>
- [On the other hand, ...supports the Africa’s position on the Council’s Working Methods contained in the letter dated December 23, 2009 addressed by Ambassador Shekou M. Touray, Permanent Representative of Sierra Leone on behalf of the African Group to Ambassador Zahir Tanin, Permanent Representative of Afghanistan in his capacity as Chair of the intergovernmental negotiations on the Security Council reform.]<sup>310</sup>
- [Supports the concrete proposals put forward by the Group of Five Small States.]<sup>311</sup>

<sup>300</sup> Para. 4.26j of rev2 (Cuba, annex pp95-101).

<sup>301</sup> Para. 4.22i of rev2 (S-5, annex pp16-47), para. 4.42b of rev2 (El Salvador), para. 4.35b of rev2 (Norway, annex pp144-147)

<sup>302</sup> Para. 4.22e of rev2 (S-5, annex pp16-47), para. 4.42b of rev2 (El Salvador), para. 4.35b of rev2 (Norway, annex pp144-147)

<sup>303</sup> Para. 4.28a of rev2 (Russian Federation, annex pp108-111)

<sup>304</sup> Para. 4.40 a of rev2 (USA, annex pp179-180)

<sup>305</sup> Para. 4.30d of rev2 (Canada/Mexico, annex pp119-123, and Pakistan, annex pp151-156)

<sup>306</sup> Para. 4.32a of rev2 (Principality of Monaco, annex pp130-134)

<sup>307</sup> Para. 4.35a of rev2 (Norway, annex pp144-147)

<sup>308</sup> Para. 4.26a of rev2 (Cuba, annex pp95-101)

<sup>309</sup> Para. 4.25d of rev2 (NAM, annex pp91-94) and 4.26i of rev2 (Cuba, annex pp95-101)

<sup>310</sup> Para. 4.42c of rev2 (El Salvador)

<sup>311</sup> Para. 4.35b of rev2 (Norway, annex pp144-147) of rev2. Para 4.42b (El Salvador)

## 5. Relationship between the Council and the General Assembly

### 5.1. Observance of the Charter

- [[*Call upon* the Security Council] to uphold the primacy of and respect for the Charter in connection with its functions and powers and [in that regard to desist from the practice of engaging and initiating<sup>312</sup>/ stresses once again that the decision by the Security Council to initiate<sup>313</sup>] formal or informal discussions on the situation in any Member State of the United Nations or on any issue that does not constitute a threat to international peace and security, and contrary to the provisions of Article 24 of the Charter]<sup>314</sup>
- [To avoid any attempts to use the Security Council to pursue national political agendas and to ensure the necessity of non-selectivity and impartiality in the work of the Council, and the need for the Council to strictly keep within the powers and functions accorded to it by the Member States under the UN Charter;]<sup>315</sup>
- [The Security Council must fully observe all Charter provisions as well as all General Assembly resolutions which clarify its relationship with the latter organ and other principal organs]<sup>316</sup> [this includes the speedily implementation of the relevant provisions of General Assembly resolutions 51/193, 58/126 and 59/313 in order to address the growing concerns by Member States of the gradual encroachment by the Security Council on and the erosion of the authority and mandate of the General Assembly.]<sup>317</sup>
- [Article 24 of the Charter does not provide the Security Council with the competence to address issues which fall within the functions and powers of the General Assembly and the ECOSOC, including in the areas of norm-setting, legislation, administrative and budgetary matters, and establishing definitions.]<sup>318</sup>
- [The General Assembly, representing universal membership in accordance with the United Nations Charter, must be enabled to exercise its authority in addressing all major issues, including peace and security, development and human rights...further called for halting and reversing the encroachment by the Security Council on the Assembly's prerogatives and functions.]<sup>319</sup>
- [We believe that these two organs should respect each other's distinct roles, in accordance with the relevant provisions of the Charter, and strive to secure the effective functioning of the United Nations as a whole.]<sup>320</sup>
- [...supports strengthening coordination and cooperation between the General Assembly and the Security Council. The Charter of the United Nations clearly defines the functions and powers of the General Assembly and the Security Council. These two principal organs should discharge their respective responsibilities entrusted by the Charter of the United Nations and complement each other.]<sup>321</sup>
- [...strongly believes that the two organs must work closely together, within their respective mandates, in their efforts to promote solutions to the current and potential challenges confronting the international community while strengthening interaction and cooperation between the Security Council and the General Assembly without

<sup>312</sup> Para. 4.20d of rev2 (African Group, annex pp1-5). Moved from chapter 4 of rev2

<sup>313</sup> Para. 4.20d of rev2 (African Group, annex pp1-5). Moved from chapter 4 of rev2

<sup>314</sup> Para. 4.20d of rev2 (African Group, annex pp1-5) and para. 4.25i of rev2 (NAM, annex pp91-94). Moved from chapter 4 of rev2

<sup>315</sup> Para. 4.20f of rev2 (African Group, annex pp1-5). Moved from chapter 4 of rev2

<sup>316</sup> Para 5.6d of rev2 (Cuba, annex pp95-101)

<sup>317</sup> Para 5.1a of rev2 (African Group, annex pp1-5; Cuba, annex pp95-101)

<sup>318</sup> Para 5.6d of rev2 (Cuba, annex pp95-101)

<sup>319</sup> Para 5.2a of rev2 (Organization of the Islamic Conference, annex pp6-15)

<sup>320</sup> Para 5.10a of rev2 (G-4, annex pp124-129)

<sup>321</sup> Para 5.11a of rev2 (People's Republic of China, annex pp135-137)

encroaching on each other's areas of responsibilities as established in the Charter of the United Nations.]<sup>322</sup>

- [the Security Council shall delimit its agenda to the powers and functions clearly regulated in the UN Charter.]<sup>323</sup>

## 5.2. Relations between the General Assembly and the Security Council

- [...this relationship should be developed under the provisions of the Charter, upon recognition of the deliberative and universal nature and broad competence of the General Assembly on matters or issues relating to the powers and functions of other UN bodies, including the Security Council. These provisions underline the superior status of the General Assembly in relation to the principal organs of the Organization. In that order]<sup>324</sup>
- [...supports reasonable and realistic proposals aimed at increasing the authority and effectiveness of the General Assembly. We suppose that any reform innovations should be based on strict observance of the distribution of prerogatives between the United Nations principal bodies as enshrined in the UN Charter.][We are against any attempts to redistribute the powers of the main bodies of the Organization to the advantage of the General Assembly thus compromising the prerogatives of the UN Security Council. The UN Charter defines the Security Council and General Assembly as the two main bodies of the Organization.]<sup>325</sup>
- [Article 7 of the Charter lists the principal organs of the United Nations. Both the General Assembly and the Security Council are co-equal principal organs, and the existing Charter provisions adequately set out their respective complementary functions. We do not support subordination of either organ to the other.]<sup>326</sup>
- [Improved relationship between the UNSC and the UNGA. This should, inter alia, address improved reporting by the UNSC, regular consultations between the UNSC and the UNGA bodies, and strict adherence to their respective mandates.]<sup>327</sup>
- [[Amends] Article 4 The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly [~~upon the recommendation of~~] in consultation with the Security Council.]<sup>328</sup>

## 5.3. Role of the GA on matters related to peace and security (art. 10, 11 & 12)

- [the General Assembly should develop the unrestricted provisions in Article 12 of the Charter on the theme of peace and security;]<sup>329</sup>
- [Ensuring that the role and authority of the General Assembly including on questions relating to international peace and security be respected and to also guarantee the unfettered application of Articles 10 and 14 and 35 of the Charter and where appropriate Rules 7 to 10 of the Rules of Procedures of the General Assembly, which enable the Assembly to take urgent action; all of which provide a strong basis for the General Assembly to assert itself and prevent the erosion of its powers by the Security Council.]<sup>330</sup>
- [The reform should explicitly clarify functions and powers of the General Assembly on issues of international peace and security. Chapter V as it stands presently, does not regulate this. In a scenario where the Council does not take action on a case that is

<sup>322</sup> Para 5.17a of rev2 (El Salvador)

<sup>323</sup> Para 5.12e of rev2 (Bolivarian Republic of Venezuela, annex pp138-143)

<sup>324</sup> Para 5.12a of rev2 (Bolivarian Republic of Venezuela, annex pp138-143)

<sup>325</sup> Para 5.8 a, b of rev2 (Russian Federation, annex 108-111)

<sup>326</sup> Para 5.15a of rev2 (United States of America, annex pp179-180)

<sup>327</sup> Para 5.7a of rev2 (L.69 Group, annex pp102-103)

<sup>328</sup> Para 5.5a of rev2 (Philippines, annex pp63-82)

<sup>329</sup> Para 5.12d of rev2 (Bolivarian Republic of Venezuela, annex pp138-143)

<sup>330</sup> Para 5.1f (African Group, annex pp1-5) & 5.17c of rev2 (El Salvador)

clearly threatening international peace and security, the Assembly should have the power to make recommendations even if Council does not request it. Article 24 of the UN Charter defines that it is the ‘primary responsibility’ of the Security Council for the maintenance of international peace and security. Hence, the Assembly should be expected to play its due role in the domain of international peace and security.]<sup>331</sup>

- Article 10 [...deleting therefrom the clause “except as provided in Article 12.”]
- Article 11—[...deleting therefrom the clause in the second paragraph “and, except as provided in Article 12.”]
- Article 12 [While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly may, if it so decides, ~~[shall not]~~ make ~~[any]~~ a recommendation with regard to that dispute or situation ~~[unless the Security Council so requests]~~<sup>332</sup>
- [the President of the Council shall submit to the General Assembly, in a plenary meeting, a detailed report on the implementation of the recommendations that the Assembly has issued and on situations likely to endanger international peace and security that the Assembly has addressed,]<sup>333</sup>
- [When, in a matter of great importance, the Security Council fails to adopt a determination, the General Assembly must have the power to review and decide on the topic.]<sup>334</sup>

#### 5.4. Annual report and special reports of the Security Council (art 15(1), art 24(3))

- [The Security Council shall submit, pursuant to Articles 15 (1) and 24 (3) of the UN Charter, special and annual reports to the General Assembly]<sup>335</sup>:
  - More comprehensive and analytical reports [/more *informative* and analytical *annual* reports]<sup>336</sup> to the General Assembly, consisting among other things, of assessment of the work of the Council, views expressed by its members as well as the rationale for taking or not taking action on all issues before it;<sup>337</sup>
  - [ref. to annual reports: should provide an evaluation of the work of the Council pursuant to articles 15, paragraph 1 and article 24, paragraph 3 of the Charter.]<sup>338</sup>
  - [In submission of Council’s annual report to Assembly, there should be a detailed, substantive, and comprehensive evaluation of the work by Council pursuant to Articles 15(1) and 24(3) of the Charter. The report should include the status of implementation of decisions by council. The members of Council should engage in an interactive and frank discussion on the annual report when it is considered by Assembly. Where the Council vetoed or took no action on a case, information should be given on the rationale for doing so.]<sup>339</sup>
  - [Council’s submission of special subject-oriented reports to the General Assembly for its consideration and on issues of current international concern.]<sup>340</sup>
  - [Special subject-oriented reports should be submitted to the General Assembly, including following consultations between the presidents of the two organs]<sup>341</sup>

<sup>331</sup> Para inserted as per Indonesian letter dated 13 December 2010

<sup>332</sup> Para 5.5, b, c, d of rev2 (Philippines, annex pp63-82)

<sup>333</sup> Para 5.12c of rev2 (Bolivarian Republic of Venezuela, annex pp138-143)

<sup>334</sup> Para 5.13a of rev2 (Plurinational State of Bolivia, annex pp157-170)

<sup>335</sup> Para 5.4b of rev2 (Italy/Colombia, annex pp55-58), para 5.12b of rev2 (Bolivarian Republic of Venezuela, annex pp138-143), para 5.16a of rev2 (NAM); para 5.1 b, c of rev2(African Group, annex pp1-5)

<sup>336</sup> Para 5.16a of rev2 (NAM)

<sup>337</sup> Para 5.1b of rev2 (African Group, annex pp1-5), 5.6b of rev2 (Cuba, annex pp95-101), 5.17b (El Salvador)

<sup>338</sup> Para 5.3b of rev2 (S-5, annex pp16-47)

<sup>339</sup> Para inserted as per Indonesian letter dated 13 December 2010

<sup>340</sup> Para 5.1c of rev2 (African Group, annex pp1-5)

<sup>341</sup> Para 5.3d of rev2 (S5, annex pp16-47)

- [Amendment of Article 24: “The report must be in such format as to provide faithful substantive information on or arising from the proceedings or action taken by the Council on its agenda items and shall include the summary of the explanation of votes given by members of the Council.”]<sup>342</sup>
- [Amendment of Article 24: “The foregoing notwithstanding, the Security Council shall release to the General Assembly periodic reports or substantive summaries on matters of which the Council is seized during the course of the year.”]<sup>343</sup>
- [The Security Council shall submit substantive and analytical annual reports and, when necessary, special reports of the Security Council to the General Assembly...]<sup>344</sup>
- [Submit an annual report to the General Assembly providing a detailed substantive and comprehensive evaluation of the work of the Council...]<sup>345</sup>..., pursuant to Articles 15 (1) and 24 (3) of the Charter of the United Nations.
- [Submit, when necessary, special reports to the General Assembly, in accordance with Article 24 (3) of the Charter, for the consideration of the Assembly in accordance with Article 15 (1) of the Charter.]<sup>346</sup>
- Improving the working methods of the Council through better access, more transparency and openness will have a positive effect on the relationship between the Security Council and the General Assembly. In this regard the annual report of the Security Council to the General Assembly should be made as substantial and analytical as possible. Also the Council could hold an interactive discussion on the annual report when it is considered by General Assembly.]<sup>347</sup>
- [it is essential to strengthen the institutional mechanisms of interaction between the Security Council and the General Assembly, especially those which are set out in the organization's Charter, such as indicated in the first paragraph of Article 15, which refers to the General Assembly's authority to obtain and to consider special and annual reports from the Security Council, and as indicated in the third paragraph of Article 24, which unequivocally mentions that the Security Council shall submit special and annual reports to the General Assembly for its consideration, if necessary].<sup>348</sup>
- [Informal ways to engage with non-members in an interaction on the annual report, in addition to the debate held by the General Assembly, should be established.]<sup>349</sup>

#### 5.5. Consultations between Security Council and other principal organs

- [Consultation, cooperation and adequate exchange of information with the General Assembly and the Economic and Social Council]<sup>350</sup>
- [The provision of effective and timely flow and exchange of information between the two organs particularly through frequent and regular consultations between the Presidents of the General Assembly and the Security Council to review work plans and consult on specific issues of mutual concern. Such meetings can enhance more direct and dynamic exchanges between the two organs;]<sup>351</sup>

<sup>342</sup> Para 5.5h of rev2 (Philippines, annex pp63-82)

<sup>343</sup> Para 5.5i of rev2 (Philippines, annex pp63-82)

<sup>344</sup> Para 5.4b of rev2 (Italy/Colombia, annex pp55-58)

<sup>345</sup> Para 5.10c of rev2 (G-4, annex pp124-129)

<sup>346</sup> Para 5.10d of rev2 (G-4, annex pp124-129), para 5.6c of rev2 (Cuba, annex pp95-101)

<sup>347</sup> Para 5.14a of rev2 (Denmark, annex pp175-178)

<sup>348</sup> Para 5.9a of rev2 (Peru, annex pp112-114)

<sup>349</sup> Para 5.3c of rev2 (S-5, annex pp16-47)

<sup>350</sup> Para. 4.30g of rev2 (UfC). Moved from chapter 4 of rev2.

<sup>351</sup> Para 5.1e of rev2 (African Group, annex pp1-5)

- [[The President of the Security Council should hold regular [monthly]<sup>352</sup> consultations with the President of the General Assembly [and Economic and Social Council;]<sup>353</sup>, and the latter should ensure the timely provision of notice and updates of such meetings to the membership.]<sup>354</sup>[If a certain situation arises, such consultations should be held more frequently.]<sup>355</sup>
- [Strengthening of the interrelationship among the Security Council and other United Nations principal organs, including through regular and institutionalized consultations, cooperation and adequate exchange of information.]<sup>356</sup>

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<sup>352</sup> Para 5.6a of rev2 (Cuba, annex pp95-101)

<sup>353</sup> Para 5.10b of rev2 (G-4, annex pp124-129)

<sup>354</sup> Para 5.3a of rev2 (S-5, annex pp16-47)

<sup>355</sup> Para 5.6a of rev2 (Cuba, annex pp95-101)

<sup>356</sup> Para 5.4c of rev2 (Italy/Colombia, annex pp55-58)