



THE PRESIDENT  
OF THE  
GENERAL ASSEMBLY

9 July, 2014

Excellency,

Following the conclusion of the 10<sup>th</sup> round of the Intergovernmental Negotiations on the question of equitable representation on, and increase in the membership of, the Security Council and related matters, I had invited Ambassador Tanin, the Chair of the negotiations, to prepare his assessment of the round, to date, and in the wider context of the overall intergovernmental negotiations since the adoption of Decision 62/557.

I am pleased to make available to you under cover of the present letter a copy of Ambassador Tanin's written assessment.

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

A handwritten signature in cursive script, reading "John W. Ashe".

John W. Ashe

All Permanent Representatives  
To the United Nations  
New York



په ملگرو ملتون کې  
د افغانستان اسلامي جمهوریت  
دایمی نمایندگی - نیویارک

نماینده گی دایمی  
جمهوری اسلامی افغانستان  
در ملل متحد - نیویارک

Permanent Mission of the Islamic  
Republic of Afghanistan to the  
United Nations

8 July 2014

Excellency,

It is my honour to write to you following the productive series of meetings held within this 10<sup>th</sup> round of the Intergovernmental Negotiations on the question of equitable representation on and increase in the membership of the Security Council and related matters (IGN). Following the calls of Member States, and fulfilling my promise that should there be sufficient understanding from Member States, I would share my assessment of the process, it is my pleasure to transmit herewith my assessment for your onward transmission to Member States and Observer Missions.

This effort is in accordance with the spirit of your letter dated the 23<sup>rd</sup> of May 2014, in which you encouraged me to share my assessment of the meetings we held in this round within the context of the overall Intergovernmental Negotiations process. It is based entirely on what I heard in the 10<sup>th</sup> round through our formal meetings and in my consultations.

I remain, as I have always emphasised, impartial to any position yet partial to progress. With this in mind, I have undertaken this work in the interest of solidifying the progress achieved in a 10<sup>th</sup> round characterised by a re-emergence of interactivity and a growing level of give and take amongst Member States. These elements will continue to be vital as we work towards a successful conclusion of this process.

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

Zahir Tanin  
Ambassador, Permanent Representative  
Chair of the Intergovernmental  
Negotiations on the question of equitable  
representation on and increase in the  
membership of the Security Council and  
related matters

To: H.E. John Ashe  
68<sup>th</sup> President of the General Assembly  
United Nations  
New York

## Chair's Assessment

### 10<sup>th</sup> Round

### Intergovernmental Negotiations on Security Council reform

#### *Background of the 10th round*

The proactive tone and momentum in the 10<sup>th</sup> round of Intergovernmental Negotiations was set early on by the initiative of the President of the 68<sup>th</sup> General Assembly to establish an Advisory Group. The appointment by President Ashe of the distinguished Ambassadors from Belgium, Brazil, Liechtenstein, Papua New Guinea, San Marino and Sierra Leone generated constructive momentum for this 10<sup>th</sup> round. The efforts of five of the members of the Advisory Group culminated in the production of a non-paper, transmitted to me in a letter from the President dated the 10<sup>th</sup> of December 2014. This letter also included a Memorandum from the Ambassador of San Marino, who disassociated himself from the production of the Non-Paper, expressing hesitation about the group's procedure. Rather than devising a Non-Paper, he suggested that the Advisory Group should instead advise the President on a new methodology for the way forward.

Although the reactions of Member States to the paper and to the procedure for its drafting were mixed, the Non-Paper itself provides a clear overview of the main positions of Member States under each of the five key issues contained within General Assembly decision 62/557. Although it does not attempt to be a comprehensive or exhaustive list of positions, the strength of the Non-Paper lies in its concise nature, clear recognition of the interconnections between the five key issues and the helpful way in which it presents complex data such as positions on regional representation.

Some have expressed concern that the Non-Paper does not reflect the nuances within positions. To address this concern, States may find it helpful to view the Non-Paper in conjunction with Rev3, which retains the full positions and language of Member States.

Despite my appeal to Member States to benefit from the Non-Paper by using it as a basis for further discussion within the context of the Intergovernmental Negotiations, a common understanding of its use has yet to be reached.

#### *Consultations*

Following the distribution of the Non-Paper and prior to the beginning of our meetings this round, I conducted broad political outreach through consultations to gauge the membership's collective readiness for a progressive agenda for this session, to build greater trust and to strengthen engagement ahead of the upcoming meetings. Over the course of these consultations, States made clear that the 68<sup>th</sup> General Assembly offered an opportunity to progress towards a results-oriented outcome, especially following the President of the General Assembly's proactive steps. They also highlighted their expectation that all sides demonstrate genuine flexibility, recognised the importance of text-based negotiations and urged for the avoidance of repetition. Based on the input I received over the course of these consultations, I sent a letter to all Member States in which I outlined a set of six meetings based on General Assembly decision 62/557, which I hoped would provide the opportunity for interactive debate and movement from repetition to more meaningful exchanges.

## *The six thematic meetings of the 10<sup>th</sup> round*

### *1. On the topic of categories of membership*

During our first discussion which was on the topic of categories of membership on the 13<sup>th</sup> of March, 44 Member States spoke, seven of which spoke on behalf of groupings representing a large number of other delegations. There was general agreement on the need to enlarge the Council; however the variations on how to do so remained numerous.

The main areas discussed included the possibility of enlarging the Council in both permanent and non-permanent categories, enlargement in the non-permanent category only, and enlargement in a new category of seats with various options related to term length and a new focus on immediate re-election. Additionally, while holding varying primary positions on reform, some States also noted the possibility of further exploration of intermediate options.

A much debated subject within our discussions related to whether or not the Chair should share an evaluation of the quantity of support for positions on categories of membership. In addition to recognising that support for the different variations of expansion seems to remain largely unchanged,<sup>1</sup> I believe that quantifying support based on numbers of those delegations that spoke during the 10<sup>th</sup> round is not an adequate measure upon which I can base an accurate judgement, particularly as the Intergovernmental Negotiations takes place in the format of informal plenary. Moreover, in order to make progress it is imperative for the Chair to do his utmost to ensure an atmosphere conducive to reform, build political will and keep all Member States engaged in the process.

Discussions revealed the common understanding that an expanded Council should accommodate those States that desire a more substantial role on the Council. Different views exist, however, as to whether this would entail the creation of new permanent seats or longer term non-permanent seats with the possibility of immediate re-election. Despite diverse opinions on permanent membership, all Member State positions show openness to different variants of non-permanent expansion as an integral part of a reformed Council.<sup>2</sup> To this end, an increased focus by Member States on commonalities could be useful to achieve progress.

Debates on this issue were not limited to different expansion models; important points were also raised on the subject of categories. For example, Member States indicated that the power held by permanent members extends beyond their seats in the Council.<sup>3</sup> States also suggested that the criteria listed in Article 23 of the Charter for the selection of non-permanent members could also be applied when selecting possible new permanent members,<sup>4</sup> and raised general concerns in regards to the effectiveness of an enlarged Council.

<sup>1</sup> As noted in my letter of 25<sup>th</sup> July 2012.

<sup>2</sup> This is not to say that Member States would be satisfied with Council reform that simply entails adding extra two-year non-permanent seats, as was the case of the last reform agreement in 1963.

<sup>3</sup> For example, some delegations noted the common practice of holding positions for the nationals of permanent members within the United Nations system such as on the bench of the International Court of Justice or high ranking positions within the Secretariat.

<sup>4</sup> Article 23 of the United Nations Charter states that non-permanent members shall be elected by the General Assembly with "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. *On the question of the veto*

During our 19<sup>th</sup> of March meeting on the question of the veto, 36 delegations spoke, six of which spoke on behalf of groups representing a large number of other delegations. At the meeting, delegations focused on two main areas: veto in relation to enlargement and issues which relate to the use of veto.

In terms of the veto as it relates to enlargement, many delegations suggested an inseparable link between permanent seats and the right of veto. Some raised the concern that not granting potential new permanent members veto privileges would divide the Council's permanent membership into different classes. To this end, some delegations recommended that new permanent members have full use of the veto, while others suggested a 15-year moratorium on the use of the veto by new permanent members until a review of the reform takes place.

Alternatively, other delegations expressed concern that extending veto privileges to potential new permanent members would only compound perceived existing problems within the Council. In this regard, many delegations offered examples of recent incidents in which they felt the use of the veto prevented the Council from discharging its duties in accordance with the Charter. Most of the delegations that held this view envisioned an enlargement without the creation of further permanent seats and thus no additional veto powers, though others envisioned new permanent seats without veto. Numerous delegations also recognised that the threat of use of veto has a significant power over the Council's decision making.

There was a prevailing sense that the veto is anachronistic and should be abolished. However, many delegations also emphasised that this may not be practical due to the ratification process required. As a result, many delegations focused their discussions on the ways in which the use of the veto could be altered in a reformed Council.

Delegations suggested that because any enlargement requires a Charter amendment, it would be valuable to use such an opportunity to also redefine decision-making procedures, and in this regard Member States suggested changes related to veto procedure. For example, States suggested that veto would entail the non-concurring votes of two or more permanent members to block a Council decision, or that permanent members could cast a non-concurring vote that is not considered to be a veto. A new regional veto option was also raised; this would block action if Council members from the region under discussion, acting on the basis of regional consensus, all voted against the action.

Member States also suggested changing practices related to the use of veto, for example, limiting its use only to Chapter VII decisions<sup>5</sup> or prohibiting its use on Chapter VI related matters.<sup>6</sup> There was an adamant call from a large number of delegations that veto should not be used to block Council action aimed at responding to or preventing genocide, crimes against humanity or war crimes.<sup>7</sup>

<sup>5</sup> Chapter VII pertains to actions with respect to threat to the peace, breaches of the peace, and acts of aggression.

<sup>6</sup> Chapter VI pertains to the pacific settlement of disputes.

<sup>7</sup> While it is outside the mandate of the Intergovernmental Negotiations, many delegations expressed support for, or an interest in exploring further, the French initiative for a voluntary code of conduct on the use of the veto by the Council's permanent members, which draws from a recommendation which was made by The High-Level Panel on Threats, Challenges and Change in 2004.

### 3. *On the topic of regional representation*

In our 1<sup>st</sup> of April meeting on regional representation, 37 delegations spoke, seven of which spoke on behalf of groupings representing a large number of other delegations.

Along with delegations presenting a variety of detailed proposals on the numbers and distribution of seats to specific regions, there was general agreement that enlargement should enhance regional representation on the Council, particularly in a way that would ensure that unrepresented or underrepresented regions are adequately taken into account.

A number of States recognised the increasing role that regional groups and organisations play in international relations and the growing participation of regional organisations in international peace and security. This was also coupled with the recognition that there has been a change in both the balance of regions and the composition of the United Nations membership since the last reform decision in 1963. States also discussed the distinction between the Charter stipulated distribution of regional seats through "equitable geographic distribution" and enhanced "regional representation" on the Council.

Member States also debated the potential for cross regional representation to include factors such as size, development status of a Member State or specifically the inclusion of Arab States and the Islamic *Ummah*. While States broadly recognised the potential for cross regional groups to add significant value to the Council's work, some delegations suggested that assigning specific seats for these criteria would create a situation in which groups would be eligible for multiple seats at one time. They suggested that alternatively, these factors could be taken into consideration within regional groups. In connection to this, States suggested that the current 'Arab swing seat'<sup>3</sup> could provide an example of how to ensure the inclusion of cross regional groupings in a reformed council.

Many States emphasised that permanent members on the Council serve in a national capacity rather than on behalf of a region, as per their recognition by name in Article 24 of the Charter. As a result, it was suggested by some that any new permanent seats should be country specific and not allocated to a region. Some delegations also reasoned that any new regional seat should be open to all members of that region.

A few delegations took the opportunity to mention the possibility of the European Union having a greater role in a reformed Council.

### 4. *On the topic of the size of an enlarged Council and working methods of the Security Council*

During the meeting on the 11<sup>th</sup> of April on the size of an enlarged Council and working methods of the Council, 45 delegations spoke, seven of which spoke on behalf of groupings representing a large number of other delegations.

On the issue of size, States widely agreed that the exact size of an enlarged Council will depend directly on the model chosen. However, while some outlying positions remain, there seemed to be an agreement among many delegations that the size of an enlarged council should be in the mid to upper 20s.

<sup>3</sup> An informal agreement exists that one Security Council seat is reserved for an Arab State. This is facilitated within the Asia-Pacific and African regional groupings who take turns every two years to provide an Arab candidate, ensuring their continued representation.

Many delegations took this opportunity to note the increased size of the membership of the United Nations since the last reform decision in 1963 and the implications this has on the Council's representativeness today.

There was widespread agreement that any enlargement in the Council should not hamper its efficiency. Many delegations listed a variety of national parliaments and bodies in the international system comprised of over 25 members, including the General Assembly, that are able to effectively make decisions. These delegations highlighted that efficiency within a reformed Council is achievable, irrespective of size, through appropriate working methods.

On the issue of working methods, remarks fell into two categories: first, the effects of Council enlargement on working methods, and second, working methods in relation to the Council's current composition and in general.

Within the first category, many delegations warned that if the current arrangements for the rotating Council presidency remain the same in an enlarged Council of more than 24 members, each of the two-year non-permanent members may not have the opportunity to hold the presidency during their term on the Council. However, States who raised this issue did not cite it as a reason to constrict the enlargement of the Council to fewer than 24 members. Instead, they highlighted the need to adjust working methods related to the selection of the Council's presidency.

Delegations also noted that increasing the size of the Council would necessitate changes in the Council's daily administration. They speculated that this could include curtailing lengthy general statements and finding a better arrangement for the workload of the Council in terms of topics to be discussed and of the cycle for mandate renewals. Numerous delegations commented that there would be a need for better distribution of the work between members of the Council in the case of enlargement, both in terms of subsidiary bodies and in terms of penholderships. Similarly, Member States suggested increasing transparency in the assignment process for chairs and penholders, or assigning them shortly after the election of new non-permanent members.

As discussed in the question of veto, delegations also recognised that a reformed council would require amendment of the Charter's provisions on decision making majorities, but that exact numbers would depend on the size of the agreed upon enlargement. Some delegations also commented on the need to review the Secretariat's capacity to service an enlarged Council and on the need to make physical structural changes to the Council chamber itself.

Significant proportions of many delegations' statements were dedicated to the second category of remarks, working methods in the Council's current composition or on working methods in general. These issues formed a large part of discussions even though they are beyond the mandate of the Intergovernmental Negotiations as they pertain to the Council in its current composition. Many delegations recognised the positive steps taken thus far towards the improvement of working methods in the Council, citing an increase in public meetings, Arria formula meetings, wrap up sessions and the use of horizon scanning. Delegations also praised the application of Presidential Note S/2010/507 on working methods and the efforts of the Informal Working Group on Documentation and Other Procedural Questions. However, in recognising the value of these tools, many delegations also called for their more consistent application and noted that their use varied largely amongst presidencies.

Numerous delegations argued that improved working methods would help the Council carry out its mandate more effectively. They also highlighted that enhanced working methods could make the Council more transparent, efficient and representative.

In regards to the working methods of the Council more generally,<sup>9</sup> some delegations felt the current working methods of the Council can and should be improved immediately, outside of the Intergovernmental Negotiations process as a means to take small steps towards overall reform. Other States, however, held strong views that issues of working methods related to the current composition of the Council should only be addressed by the Council itself.

Delegations expressed concern that the Council's rules of procedure still remain provisional. While Member States recognised that the Charter stipulates that the Council shall adopt its own rules of procedure, many noted that operational procedure of the Council is of interest to the entire membership, as the Council acts on behalf of all States and all States must implement its decisions. One delegation suggested that this could be accommodated through Member States offering suggestions on working methods to the Council's Informal Working Group on Documentation and Other Procedural Questions. Another Member State also proposed the establishment of a joint working group of the Security Council and the General Assembly on working methods.

In addition, two new proposals were put forward: first, to hold an open meeting of the Informal Working Group on Documentation and Other Procedural Questions, which would allow all Member States the opportunity to hear about the past and the current work of the Group and second, to hold a workshop on the work of the Security Council for non Security Council members similar to those held for incoming non-permanent members.

##### *5. On the topic of the relationship between the Security Council and the General Assembly*

At the meeting on the 23<sup>rd</sup> of April on the topic of the relationship between the Security Council and the General Assembly, 30 delegations spoke, seven of which spoke on behalf of groupings representing a large number of other delegations.

Numerous delegations described the separate mandates of the two bodies as defined in the Charter. They commonly referred to the General Assembly as the chief deliberative body of the United Nations, and defined the Security Council by its mandate to hold primary responsibility for the maintenance of international peace and security. A number of delegations expressed their concern that the Security Council occasionally oversteps its mandate by considering issues that States perceive as only tenuously related to international peace and security. Some Member States also suggested that this extension of mandate was most common in the thematic debates undertaken by the Security Council. Other Member States noted that encroachment by the Security Council was not only on the mandate of the General Assembly, but that of the mandates of other bodies of the United Nations as well.

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<sup>9</sup> Member States also raised concerns about: the under utilisation of Chapters VI and VIII of the Charter, the need for more public meetings, particularly for briefings by Special Envoys or Special Representatives of the Secretary-General, the need for greater access to documentation both for non-permanent members and non Council members, more systematic inclusion of other stakeholders in Council discussions such as States which are under discussion or are directly related to issues under discussion, relevant regional organisations, the Peace Building Commission's (PBC) Country-Specific Configuration Chairs, Troop Contributing Countries (TCCs) and Police Contributing Countries (PCCs), the need to involve non-permanent members of the Council earlier on in consideration of issues and strengthening the Security Council's relationship with international legal bodies.



Correspondingly, a number of delegations highlighted the shared responsibility of the General Assembly in matters of international peace and security and in areas in which the work of the Security Council and the General Assembly intersect. Some Member States specifically outlined the role that the General Assembly can play when the Council is deadlocked. One delegation suggested that in such instances the General Assembly is able to explore options that are more difficult to discuss in the Security Council. In this regard, other delegations highlighted an under utilisation of the Uniting for Peace mechanism.<sup>10</sup>

Member States also noted that given the clear mandates of the two bodies in the Charter, improving the relationship between them will not require a Charter amendment but will instead require improved working methods.

There was a prevailing agreement about the need for better cooperation between the General Assembly and the Security Council. Member States highlighted that cooperation between all organs is vital for the United Nations to accomplish the aims set out in the Charter and therefore contended that the relationship between the two bodies should not be competitive. It was also recognised that better cooperation can enhance the legitimacy of decisions and actions of both bodies.

Numerous delegations cited Article 24(1) of the Charter, which highlights that the Security Council acts on behalf of the larger membership.<sup>11</sup> In connection, many Member States discussed the mandated reporting mechanisms set out in Article 24(3) of the Charter for the Security Council to submit an annual report and, where necessary, special reports to the General Assembly. Some delegations noted that the mechanism for the preparation of special reports for the consideration of the General Assembly had been underutilised and requested that the Security Council provide them more frequently. However, it was suggested by another Member State that these reports are produced only when the Security Council deems appropriate and not at the General Assembly's behest. Other delegations disagreed suggesting that requesting such reports was well within the prerogatives of the General Assembly and that the reports formed an important part of the Security Council's accountability to the General Assembly.

Many delegations expressed concerns about the substance of the annual report of the Security Council to the General Assembly. While many noted marked progress in the report in recent years, there was a common call for the report to be made more analytical, substantial, and comprehensive. Some delegations suggested that it could include a better rationale for why decisions were or were not taken, and one Member State noted that, as the annual report is written and published many months after the end of the period of consideration, it could prove useful to provide some reflection and evaluation of decisions taken. Delegations also requested that issues raised by the General Assembly in the annual debate on the report of the Security Council should then be reflected within the annual report itself.

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<sup>10</sup> General Assembly resolution 377 A (V) "Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures..."

<sup>11</sup> Article 24(1) of the Charter states, "In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."

One delegation pointed out that the General Assembly debate on the report is an important opportunity for the General Assembly to provide feedback to the Council and that the current level of participation in these debates does not reflect the interest shown in the Intergovernmental Negotiations on this topic.

Many delegations suggested that permanent members circulate an explanation to the General Assembly on the rationale behind casting a non-concurring vote. Delegations expressed a willingness to explore the modalities of this idea further.

Additionally, Member States highlighted the need for more regular and substantive meetings between the Presidents of the Security Council and the General Assembly to review the agendas and programmes of work of each body in order to make their work more complementary and to avoid overlap.

Some delegations also touched on the need for a strengthened role of the General Assembly in the appointment of the Secretary-General.

#### *6. On the topic of cross-cutting issues*

At the final meeting held on the 8<sup>th</sup> of May on the topic of cross-cutting issues, 52 Member States spoke, seven of which spoke on behalf of groupings representing a large number of other delegations.

Member States took this opportunity to further clarify their positions. Discussions also elucidated some important cross cutting issues related to reform. These included Charter amendments that could be required for reform and the manner in which these amendments would be initiated in the General Assembly, either through a single resolution with an annex or through a series of resolutions and elections. Numerous delegations also spoke strongly in favour of the inclusion of a clause which would provide for a review with a clear scope at a set moment following the implementation of the Charter amendment.

#### *General assessment of the 16<sup>th</sup> Round*

There were a number of recurring themes throughout the meetings. The loudest and clearest was the continual emphasis on the need for reform. Delegations provided a variety of reasons, including the need to address current underrepresentation in the Council, to bridge the disconnect between the Council's composition and contemporary realities and to help the Council carry out its mandate more effectively. There was also a sense of foreboding that the relevance of the Council and the United Nations could be undermined without reform.

There were also numerous procedural discussions about the various texts available to Member States. Some impressed the idea of using the Non-Paper as a working document and narrowing down the options within it. Others disagreed with this approach and envisioned moving back to working with Rev2 to come to an acceptable abridged version. These delegations remarked that they did not consider the Non-Paper to be on par with Rev2, which they deem to be the only consensus document. However, other delegations countered this argument, noting that Rev2 does not include their most up to date positions and expressing concerns that moving back to Rev2 would amount to ignoring their positions.

While some Member States were hesitant about the use of the Non-Paper during discussions, the main positions they outlined on each of the five key issues closely matched positions reflected in the Non-Paper.

At all five meetings, many delegations used the texts on the table to illustrate their positions. Those that used the President of the General Assembly's Non-Paper were able to illustrate positions with particular clarity, as it allowed them to identify their positions by chapter and section number. This was particularly helpful during discussions to better articulate complex issues such as regional representation where numerical formulations can be quite complex. Those who used Rev2 as a reference point were prevented by its structure from providing the same level of detail and precision.

From the discussions in this round, I have observed that while some groups are still hesitant to use Rev3, there has been no dispute about the accuracy of its content. If positions have changed or if States wish to omit past submissions, specific edits can be sent to my office in writing. Like the Intergovernmental Negotiations itself, which is a Member State driven process, Rev3 is built solely on Member States' positions. The inclusion of new proposals from this round in Rev3 is also crucial to ensuring they are on equal footing with existing proposals.

Member States also raised the possibility of having measurable results by or concluding negotiations in 2015 in recognition that the Intergovernmental Negotiations is not an open ended process. Some delegations raised hesitations about artificial deadlines while others expressed concern about "artificial delays".

All delegations recognised the interconnected nature of the five key issues. This allowed us to organise meetings efficiently by discussing one issue at a time without losing a focus on all five key issues as a whole. It was also emphasised that in the end, overall reform does not have to stem from only one proposal but could instead encompass elements from many.

Member States also discussed the procedure of the Intergovernmental Negotiations itself; it seemed at times that procedural concerns overshadowed substantive discussions. These discussions included the production of a summary by the Chair, the greater need for flexibility from all delegations, the need to strictly adhere to General Assembly decision 62/557 and various thoughts on the speed and the length of negotiations. Some States likened this process to others at the United Nations; however, others argued that the Intergovernmental Negotiations is a very different process and should be treated as such. Other delegations expressed frustration about the lack of progress in the absence of what they consider "real negotiations".

There was also a series of exchanges as to whether a consensus agreement on reform should be reached or if voting in the General Assembly with a minimum of two thirds in favour would be sufficient. While there was wide recognition that the best possible outcome in any negotiation is consensus, practically our discussions in the Intergovernmental Negotiations are guided by General Assembly decisions 62/557<sup>12</sup> and a potential vote in the General Assembly would fall under the mandate of General Assembly resolution 53/30.<sup>13</sup> Neither of these two requires an

<sup>12</sup> General Assembly decision 62/557 requires "a solution that can garner the widest possible political acceptance by Member States."

<sup>13</sup> General Assembly resolution 53/30 states, "The General Assembly, Mindful of Chapter XVIII of the Charter of the United Nations and of the importance of reaching general agreement as referred to in resolution 48/26 of 3 December 1993, determines not to adopt any resolution or decision on the question of equitable representation on and increase in the membership of the Security Council and related matters, without the affirmative vote of at least two thirds of the Members of the General Assembly."

agreement by consensus on reform issues. With this in mind, reaching a decision by two thirds majority vote in the General Assembly is already a sizable task.

### *The way forward*

Modest but significant steps towards reform have been taken over the last five years of the Intergovernmental Negotiations. Member States have put many hours into carefully crafting statements and positions; they have been active in their attendance and instrumental to the re-emergence of true interaction between delegations at our meetings within this 10<sup>th</sup> round. In response to the call of Member States, we moved from talking to text-based negotiations in the form of the various revisions to the negotiation text. We now also have the Non-Paper from which to draw inspiration. Until Member States decide that the Intergovernmental Negotiations process has reached the limits of what it can achieve, our focus should be on how to reinvigorate the process and plot a clear path towards much desired reform.

Although the Intergovernmental Negotiations remain one of the most difficult and protracted negotiations within the United Nations, as one Member State highlighted in this round, we "should not be imprisoned by the difficulty of the process." As we conclude this round and look to the future, I would suggest to Member States two courses of action:

1. This round of negotiations has revealed a strong desire to reinvigorate Security Council reform in a way that takes stock of our collective efforts thus far and generates high-level support. To this end I respectfully suggest a high-level audit of endeavours to achieve early reform of the Security Council, in particular through the Intergovernmental Negotiations, for the consideration of world leaders during a high-level event at the General Debate of the 70<sup>th</sup> General Assembly, 10 years after the World Summit Outcome Document, in which world leaders tasked us to deliver an early reform of the Security Council.

The audit would consist of an objective summary of the process to raise high-level political awareness of the Intergovernmental Negotiations, both in terms of its achievements and its limits in a neutral way. It is my suggestion to Member States that the audit should be drafted by an independent political figure, to be selected by the Secretary-General or the President of the General Assembly in consultation with the Chair of the Intergovernmental Negotiations. This audit would not prejudice continuing efforts within the Intergovernmental Negotiations process or initiatives by Member States; rather it would complement efforts and provide momentum in the lead up to the 70<sup>th</sup> General Assembly.

2. As I outlined previously in my 25<sup>th</sup> of July 2012 letter and as a logical evolution of our text-based process, we cannot move forward without a commonly agreed concise working document. This round and the addition of the Non-Paper has clarified that the greatest challenge to our text based process is not the lack of a text, it is the lack of agreement on the texts on the table. A true indicator of progress within the Intergovernmental Negotiations process was the shift to text based negotiations. Rev3, with its "user friendly guide", was our first step towards a concise working document. However, we cannot be satisfied simply with this; in order to achieve our goals we must continue to work towards basing our negotiations on an agreed text. Member States need to engage with, build upon, edit or entirely rework the available texts in order to allow for negotiations that are characterised by give and take.

As Member States move towards the celebration of the 70<sup>th</sup> year of the United Nations, they are faced with a tremendous opportunity for achieving much needed reforms. To facilitate further progress, I humbly suggest that Member States make these recommendations actionable, by including the consideration of the aforementioned recommendations within this agenda item for the 69<sup>th</sup> General Assembly. It is my hope that through these recommendations, with the support of the Member States, we will build upon the achievements of the last six General Assembly sessions and move forward to a new phase of reform.