



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

Friday, 27 July 2012

Excellency,

As you are aware, "UN Reform and Revitalization" is one of my key priorities of action as President of the General Assembly. I firmly believe that reform is crucial if the UN is to respond to the challenges and realities of the 21st Century.

At the heart of the larger reform process lies our collective endeavours to achieve equitable representation and increase the representation of the Security Council.

In this regard, and in accordance with the Member State driven nature of this process, I have the pleasure to enclose herewith a letter addressed to Member States from Ambassador Zaheer Tanin, Permanent Representative of the Islamic Republic of Afghanistan, who is thankfully chairing the intergovernmental process on Security Council reform on my behalf, and under my vigilant guidance. In his letter, Ambassador Tanin reflects on the current state of affairs related to this critical exercise.

As we move towards the conclusion of the 66th session, I would like to extend my sincere gratitude to Ambassador Tanin, you and your delegations for your excellent cooperation and sincere partnership on the issue of Security Council reform. Primary responsibility for realizing our aspirations to reform the Council lies with the Member States. moving forward, the chances of our success will depend on our collective will and how well Member States are able to put to good use the points on which agreement was reached, and could be built upon, during the intergovernmental negotiations.

Let us act to crystallize the areas of convergence and the points of agreement. I trust that, moving ahead, you will continue to extend your full cooperation to this process.

As President of the United Nations General Assembly, I believe that reforming the Security Council is pivotal to realistically achieving UN reform and revitalization. I am certain that we all share this common vision.

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


Nassir Abdulaziz Al-Nasser



به ملگرو ملتوکی
د افغانستان اسلامي جمهوریت
دایمی نمایندگی - نیویارک

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

نماینده گی دایمی
جمهوری اسلامی افغانستان
در ملل متحد - نیویارک

25 July 2012

H.E. Mr. Nassir Abdulaziz Al-Nasser
President of the General Assembly
United Nations

Excellency,

I have the honour to transmit herewith a letter in my capacity as Chair of the Intergovernmental Negotiations on the question of equitable representation on and increase in the membership of the Security Council and related matters. I should be grateful if the attached letter could be circulated to all Member States.

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

Zahir Tanin

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

Excellency,

The need for early reform of the Security Council was universally agreed upon by world leaders during the Millennium Summit and yet the principles and practicalities of reform are still the subject of intense debate. Although Security Council reform has remained a central theme of the General Assembly's work, efforts so far have not led to a solution that can garner the widest possible political acceptance. Nevertheless, there is a common hope that reform of the Council will be achieved as soon as possible, as envisioned by the global community in 2005.

The United Nations and the Security Council enjoy a legitimacy which is unparalleled in the international arena. However, new threats are challenging the peace and security of Member States. In recent years the Council has approved record numbers of peacekeeping missions and been deeply engaged in a range of issues pertaining to peace and security. At a time when the Security Council is so active, it is crucial that Member States recognize their stake in its decision-making and have confidence in the ability of the United Nations to adapt to new challenges.

In recent years, calls from Member States to reform the Council to better reflect contemporary realities have been numerous. Discussions have also intensified about alternative forums to the Security Council and the growing prevalence of regional organizations on the world stage. In this context, Security Council reform has taken on a new urgency.

Resolutions and initiatives have been tested and ongoing support has been lent by successive Presidents of the General Assembly and Secretaries-General. Highlighting the urgent need for reform, Secretary-General Ban Ki-Moon has encouraged Member States "to bring forward and finalize inter-governmental discussions on Security Council reform."¹

¹ See "Delivering Justice: A programme of action to strengthen the rule of law at the national and international levels" A/66/749. Section A. Strengthening the rule of law at the international level. Subsection (i)(a) Strengthening compliance in the context of the United Nations.

While comprehensive reform remains just out of reach, through the Intergovernmental Negotiations, the resounding aspiration for reform of the Security Council is evident. During the eighth round of Intergovernmental Negotiations, Member States, representing a range of different positions on Security Council reform, have increasingly called for the Chair to set out the state of negotiations to forge a way forward towards a solution which will garner the widest possible political support.

The current President of the General Assembly, Nassir Abdulaziz Al-Nasser, continues to support the Security Council reform process, prioritising it as one of his four pillars of work for his Presidency. Under the leadership of the President of the General Assembly, and based on calls from Member States, this letter gives an indication of the state of the Intergovernmental Negotiations process, with an emphasis on the most recent developments as well as suggestions on ways to move forward.

Member States have highlighted the importance of reform during the eighth round of the Intergovernmental Negotiations, a round that has been marked by progress in regards to deepened interaction and dialogue among Member States. Reflecting on previous reform efforts provides guidance for building on the momentum the process has gathered over eight rounds.

How the current state of play emerged

Discussions about reforming the Security Council started almost as soon as the Council itself was formed. Such discussions led to the only expansion of the Council, in 1965 with the addition of four non-permanent members. Since then, discussions about reform have continued, but it was not until the decision to undertake reform of the Security Council through the Intergovernmental Negotiations that a new process for reform was established. Since their inception the Intergovernmental Negotiations have seen several significant achievements:

Smooth transition to intergovernmental negotiations

The Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council preceded the Intergovernmental Negotiations. It was established during the forty-eighth session of the General Assembly, through Resolution 48/26 and began its deliberations in January of 1994.

During the sixty-second session of the General Assembly, a consensus decision established the Intergovernmental Negotiations. The General Assembly decision that facilitated this shift was decision 62/557 adopted on 15 September 2008 under agenda item 122, entitled "Question of equitable representation on and increase in the membership of the Security Council and other matters related to the Council." Member States continued to work in the Open-ended Working Group in order to prepare and facilitate a shift to intergovernmental negotiations in

informal plenary sessions of the General Assembly. The decision to shift the discussions to the Intergovernmental Negotiations reinvigorated the Security Council reform process.

During the sixty-third session of the General Assembly, I was appointed by the President of the General Assembly to serve as Vice-Chair of the Open-ended Working Group, and Chair of the Intergovernmental Negotiations on Security Council reform.

In a letter to Member States, the President of the sixty-third session of the General Assembly, Miguel d'Escoto Brockmann, outlined that the Chair:

[W]ill use all means at his disposal, including oral statements and letters concerning individual meetings, to guide Member States along this path. Also, if Member States so wish, in the absence of an official record, he will provide an overview under my auspices.²

Intergovernmental negotiations commence

The first meeting of the Intergovernmental Negotiations was held on 19 February 2009. During that first session Member States, along with the Chair, were able to establish a clear *modus operandi* and address all of the procedural questions surrounding the new forum to allow a smooth beginning to the process of substantive negotiations.

The sixty-third and sixty-fourth sessions of the General Assembly saw four rounds of negotiations during which Member States examined the five key issues.³ Separate meetings were devoted to each of the five key issues outlined in 62/557.⁴ This provided a means for Member States to bring their positions to the table in an open and transparent atmosphere. At the outset of the second round of the Intergovernmental Negotiations on 10 September 2009, the Chair produced an overview of the first round which aimed to serve as a point of departure and reference for subsequent rounds of negotiations.

Member States rally around a text

Seeking to build upon the progress made during the first four rounds, Member States united behind a call for a text-based fifth round. In order to have the most up-to-date proposals on which to base this text, the Chair circulated a letter on 5 February 2010 requesting that Member States submit their positions and proposals in writing.

Based on these submissions, some thirty in all, the Chair circulated a text-based negotiating document to Member States on 10 May 2010 which encompassed all proposals

² In a letter circulated on 18 February 2009, contained within document A/63/960.

³ As outlined in 62/557 "categories of membership; the question of the veto; regional representation, size of an enlarged Security Council and working methods of the Council; and the relationship between the Council and the General Assembly."

⁴ And reaffirmed in later decisions, 63/565 together with Supplement No. 49 (A/63/49), Decision 64/568 and Decision 65/554

submitted by the membership to the Chair in the form of the negotiation text. After the release of the text, and with subsequent changes or amendments from Member States for the sake of accuracy of positions, the first revision of the negotiation text (Rev1) was shared with Member States at the first meeting of the fifth round on 2 June 2010. The text consisted of all the positions submitted by Member States and was structured according to the five key issues of reform. The text also included an annex which features the proposals submitted by Member States in their entirety. After years of deliberations there was finally a text on the table.

The fifth round of the Intergovernmental Negotiations on Security Council reform was characterised by text-based negotiations. These negotiations gave rise to a subsequent second revision of the text (Rev2) which was presented to Member States along with the organisational add-on text on 27 August 2010. There was membership-wide agreement that the text is inclusive and representative, and that it could serve as a basis for further negotiations.

Discussions continued around Rev2 of the text into the sixth round of negotiations, beginning on 14 December 2010. During the exchanges of the sixth round Member States gave feedback on the text, with the goal of making the document more operational. Based on this feedback and the Chair's consultations, a third revision of the negotiation text (Rev3) was released on 23 February 2011 along with a shorter document which aimed to serve as a 'user-friendly guide' to Rev3.

The discussions surrounding Rev3 continued into the exchange of 2 March 2011 during the seventh round of the Intergovernmental Negotiations. Also during the seventh round, a number of Member States began to test the waters through increased communication with, and outreach to, the wider membership about their various initiatives and proposals on Security Council reform outside of the intergovernmental exchanges.

In the interest of transparency and progress within the Intergovernmental Negotiations the Chair circulated a letter to all Member States on 18 August 2011 requesting that they submit any documents outlining any initiatives and their results, for distribution to the wider membership. The letters submitted became the basis of the eighth round of negotiations.

Member State initiative based eighth round

With the negotiation text reflecting all Member State positions in place, and in keeping with the Member State driven nature of the process, the eighth round of the Intergovernmental Negotiations focused on the five initiatives submitted by the membership at the request of the Chair and circulated in the letter of 9 September 2011. This included (in chronological order) letters from: the Permanent Representatives of Brazil, Germany, India and Japan, the Permanent Representative of Italy as the "Uniting for Consensus" (UfC) Focal Point, the Permanent Representatives of India and Jamaica on behalf of the L69 group, the Permanent Representative

of Sierra Leone on behalf of the Committee of Ten African Permanent Representatives (C-10), and the Permanent Representatives of Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland, the Small Five (S-5) group. A separate exchange within the eighth round was dedicated to each of these five Member State initiatives. The initiatives were discussed in the order in which they were received by the Chair.

At each exchange, a representative from the initiative under discussion was given an opportunity to introduce the group's proposal and indicate how their initiative could be made more operational. The wider membership was then invited to respond to the details of the initiative and pose questions, under the guidance of the Chair to bear in mind decision 62/557 and evaluate each initiative in the context of the five key issues in addition to their interconnectedness. The initiative's representative and other members of the presenting group were then given a chance to respond to Member States' interventions and questions at the end of each exchange.

The five exchanges based on Member State initiatives were book-ended by the first and last exchanges of the eighth round. An outline of the seven exchanges of the eighth round is as follows:

The initial exchange of the eighth round was held on 28 November 2011, it reaffirmed the membership's interest in moving negotiations on Security Council reform forward within the forum of the Intergovernmental Negotiations. There were 37 Member States on the speakers list. There were then a further three interventions.

On 16 January 2012, the Permanent Representative of Brazil presented the G4 initiative on behalf of the group. There were 54 Member States on the speakers list including the authors of the initiative. There were then a further six interventions consisting of questions and responses about the initiative.

On 21 February 2012, the Permanent Representative of Italy presented the UfC initiative on behalf of the group. There were 44 Member States on the speakers list including the authors of the initiative. There were then a further six interventions consisting of questions and responses about the initiative.

On 13 March 2012, the Permanent Representative of Jamaica presented the L69's initiative on behalf of the group. There were 50 Member States on the speakers list including the authors of the initiative. There were then a further nine interventions consisting of questions and responses about the initiative.

On 19 April 2012, the Permanent Representative of Sierra Leone presented the African Group's position on behalf of the C-10. There were 49 Member States on the speakers list

including the authors of the initiative. There were then a further four interventions consisting of questions and responses about the initiative.

On 2 May 2012, the Permanent Representative of Switzerland presented the S5 initiative on behalf of the group. There were 52 Member States on the speakers list including the authors of the initiative. There was then a further intervention from the Permanent Representative of Switzerland on behalf of the group.

The final meeting of the eighth round, held on 2 July 2012, aimed to collectively draw conclusions from the previous exchanges and, based on this, chart the path forward. At the beginning of this meeting, the authors of each of the five initiatives were given the opportunity to reflect on the series of meetings and outline plans to operationalise their initiatives. The wider membership was also encouraged to share their conclusions regarding the viability of different initiatives, and their views on the way forward. There were 28 Member States on the speakers list. There were then a further two interventions consisting of questions and responses about the initiative.

There was also an opportunity to discuss Security Council reform at an informal retreat organised by the President of the General Assembly on 30-31 March 2012, aimed to promote a constructive dialogue in a more open, informal setting outside of the United Nations.

Reflections from the eighth round

In their statements and in consultations with the Chair over the course of the eighth round, Member States acknowledged an increased level of candour, interaction, and engagement with regard to the substance of the initiatives in the Intergovernmental Negotiations. Numerous Member States noted a building momentum in the process due to the shift from the previous practice of delegations stating their national and group positions to emphasising convergences, and offering reactions. The membership viewed the emerging dialogue as a sign of progress in the reform process. Member States also expressed strong support for the Chair's work plan for focusing discussions on the five initiatives.

Member States engaged with one another on the five key issues throughout the exchanges of the eighth round. The membership highlighted the urgent need for reform, and the majority supported decisive action in order to make the Council more representative and effective. While this was a common area of agreement considerable differences in the substance of negotiations still remained.

As of yet, no solution has been attained that can garner the widest possible political acceptance by Member States, the bar set by 62/557. During negotiations a majority of delegations taking the floor have voiced support for an expansion in both categories, although delegations subscribe to different versions of this concept. While this trend is worth noting, it is

necessary to keep in mind that the level of support for a particular proposal can ultimately only be determined at the moment of action in the General Assembly.

The eighth round also saw discussions on the need to address aspects of the reform process, such as Security Council working methods; others focused on the topic of regional representation on an expanded Council, particularly with regards to representation for Africa. Concern was also expressed about potential piecemeal approaches to the reform process. Additionally, some Member States urged an accelerated pace of reform and others cautioned against artificial deadlines or rushing the process. Many delegations have noted that the lack of a widely accepted solution underlines the continuing need for flexibility and compromise.

The focus on the five Member States' initiatives in the eighth round has meant that there has not been an opportunity to explore all interim or intermediate solutions to Security Council reform in detail. A number of Member States have indicated that it would be productive to address these options.

During the exchanges of the eighth round and through other consultations, Member States put forward a range of requests to the Chair intended to move the Security Council reform process forward. Many requests involved a more pro-active role of the Chair, including focusing on particular reform options or producing a shorter text. However, no widespread agreement has emerged on specific requests.

Not all of the requests were mutually compatible, and their diversity reflects the different Member State perspectives on the reform process. However, Member State engagement on elements of the process signals the Membership's readiness to build upon the momentum of the eighth round.

Observations

Intergovernmental Negotiations have been an inclusive and Member State driven process. The meetings continue to be well attended and at a high level. Many Member States, particularly in the eighth round, have underlined that it is the only legitimate forum for the discussions on Security Council reform. The focus of the eighth round on five Member State reform initiatives has narrowed the scope of discussions which shows some potential to open up new avenues for progress.

The Chair's consultations have shown that Member States' positions are not as entrenched as they may seem. However, further progress will not be possible unless steps are taken to enhance the current negotiation process. Serious and substantial steps need to be taken to ensure progress is not lost.

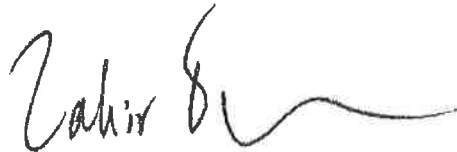
Trust and political will for reform cannot be fostered overnight; thus, the intergovernmental process has no imposed timeline. There is a widespread reluctance against "artificial deadlines" but there is an equally widespread demand for concrete results. It is important to recognize the Intergovernmental Negotiations cannot become an open-ended process. Many Member States have requested that the Chair use his position to reflect upon the process, with some even calling for the Chair to chart a way forward. Member States have indicated a willingness to undertake substantive negotiations, should a more conducive framework for the Intergovernmental Negotiations be found. It is in this context that I make the following recommendations:

Recommendations

- 1) The membership has united behind the Intergovernmental Negotiations forum, its founding General Assembly decision 62/557 and the Member State driven nature of the process. During the eighth round of negotiations and in consultations, Member States have articulated requests to move the process forward. It is time to recognize the limits of what can further be achieved within the current framework of the Intergovernmental Negotiations without a deepened Member State commitment to undertaking robust negotiations, involving an active give and take. The transition to the sixty-seventh session of the General Assembly offers an opportunity for Member States to signal their commitment, and to inject additional energy and ideas into the process. Member States could, for example, use this opportunity to explore a variety of reform models including expansion in both categories, interim and intermediate options within the framework of General Assembly decision 62/557.
- 2) There is a clear demand from Member States for the Intergovernmental Negotiations to move to the next stage. The logical next step, after no less than four General Assembly sessions and eight rounds, would be genuine give and take based on a concise working document. The logical drafter for this document would, in the best United Nations tradition, be the Chair. The document would naturally be drafted in keeping with the Membership-driven character of the process, the principles of General Assembly decision 62/557 in general and the recent progress in negotiations. Member States could, through the annual General Assembly decision on Security Council reform task the Chair with drafting said document.
- 3) Finally, it is necessary to recognize that the Intergovernmental Negotiations do not take place in a political vacuum. There are many other debates, formal and informal, about the future of the United Nations and the international system. It is important that capitals are fully engaged in the Intergovernmental Negotiations. It is also important to reinforce the political links to capitals.

I, as Chair, encourage Member States to further discuss the implications of reform in a manner complimentary to the Intergovernmental Negotiations. Should the Chair see sufficient evidence of progress in the Intergovernmental Negotiations during the sixty-seventh session of the General Assembly, a high-level meeting on Security Council reform could be held, to assess the state of play and propose ways to keep the process moving forward.

These recommendations aim to outline how Member States can build upon the progress made in the last four General Assembly sessions. In my view, they are the most effective ways to encourage an atmosphere in which Member States can find a solution, but the hard work of negotiations, of real give and take on the substance of reform, remains in the hands of the drivers of this process, the Member States.

A handwritten signature in black ink, appearing to read 'Zahir Tanin', followed by a long, horizontal, wavy flourish.

Zahir Tanin

Ambassador and Permanent Representative

Chair of the of the Intergovernmental
Negotiations on the question of equitable
representation on and increase in the
membership of the Security Council and
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