



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

10 December 2013

Excellency,

I am writing to you, in your capacity as Chair of the Inter-governmental Negotiations (IGN), to follow up on our previous communications on the resumption of inter-governmental negotiations on Security Council Reform on 12 December 2013.

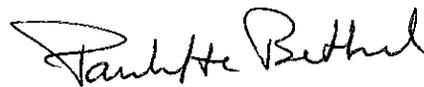
As you are no doubt aware, I had convened a broadly representative Advisory Group (AG) of Permanent Representatives to provide me with ideas on all aspects of the IGN for my consideration. As I had repeatedly stressed to member States, the AG is consultative, has NO negotiating role and that it does not overlap or substitute for the IGN. And as member States have reiterated at the debates of the 7th and 8th November, the IGN is a member States-driven process. I am bound by, and fully committed to, that process. The only way forward therefore is through a smooth, transparent IGN.

Against this backdrop, I am pleased to inform that, as per my request, members of the AG have provided me with a set of ideas pertaining to the negotiations which I now wish to communicate through you to the member States in the IGN for their own consideration. These ideas, attached herewith in the form of a Non Paper, are intended to be an instrument to assist in the organization of the IGN, while ensuring that General Assembly decision 62/557 remains the continued basis for the IGN process.

As such, the attached non-paper is neither a negotiating text nor a replacement of any existing document. In my view, this non-paper could be a useful tool to aid the already well-established member State-driven IGN process under your Chairmanship.

I therefore invite you to prepare a programme of work for the IGN and invite you to use any or all of the ideas contained in the Non Paper as a guide.

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


p.p. John W. Ashe

H.E. Mr. Zahir Tanin
Permanent Representative of Afghanistan to the United Nations

Cc: All Permanent Representatives to the United Nations
New York

NON PAPER

1. Categories of membership¹

- a. Enlargement in both existing categories, permanent and non-permanent.
- b. Enlargement through the creation of a new category of seats of (x) years to be converted into permanent seats², as well as enlargement in the non-permanent category³.
- c. Enlargement through the creation of a new category of seats of (8-12) years that are immediately renewable, without prejudice to the possibility of enlargement in the non-permanent category.⁴
- d. Enlargement through the creation of a new category of seats of (3-5) years, as well as enlargement in the non-permanent category
- e. Enlargement in the non-permanent category only:
 - i. With the possibility of immediate re-election.
 - ii. Without the possibility of immediate re-election.

2. The question of the veto⁵

2.1 In relation to enlargement:

- a. Extension of the veto to the new permanent members.
- b. Extension of the veto to the new permanent members, subject to a moratorium on its use for 15 years⁶.
- c. No extension of the veto.
- d. Abolition of the veto.

2.2 In relation to the use of the veto:

¹ This section is linked to the question of the veto, regional representation; and size of an enlarged Council and working methods of the Council.

² The conversion would take place unless otherwise decided in the framework of the review, cf. in 6.2.a.i.

³ For the purposes of this non-paper, "the non-permanent category" refers exclusively to the existing non-permanent seats.

⁴ To be combined with a provision that States running for such a new category seat are barred from running for a seat in the non-permanent category, at least for the length of term of a new category seat ("flip-flop clause").

⁵ This section is linked to size and working methods of the Council.

⁶ A further decision in this regard would have to be made in the context of the review, cf. 6.2.a.i.

- a. Limit the use of the veto:
- i. Not to be used to block Council action aimed at preventing or ending genocide, crimes against humanity or war crimes.
 - ii. To Chapter VII matters.
- b. Require non-concurring votes by two permanent members to block a Council decision.

3. Regional Representation⁷

The charts below reflect how the various models proposed under 1. would affect regional representation. Furthermore, cross-regional suggestions have also been made as regards: (a) permanent Arab representation in any future expansion in the category of permanent membership; (b) adequate representation of the Islamic Ummah in any category of membership.

Regional representation under models 1.a. and 1.b.

	existing perm. seats	new perm. seats	existing non-perm. seats	new non-perm. Seats	TOTAL (perm + non-perm)
Africa	0	2	3*	1 or 2	2+4 = 6 or 2+5 = 7
Asia-Pacific	1	2	2*	1	3+3 = 6
EEG	1	0	1	1	1 + 2 = 3
GRULAC	0	1	2	1	1 + 3 = 4
WEOG	3	1	2	0	4 + 2 = 6
SIDS				0 or 1	
	5	6	10	4, 5 or 6	25, 26 or 27

*Five seats are allocated to the African and Asia-Pacific Group, in accordance with General Assembly resolution 1991A (XVIII). In practice three of these seats are allocated to the African Group, two to the Asia-Pacific Group.

⁷ This section is linked to categories of membership, size and working methods of the Council.

Regional representation under model 1.c

	existing perm. seats	new category of seats	existing non-perm. seats	new non-perm. seats	TOTAL (perm + long + non-perm)
Africa	0	2	3*	(x)	0 + 2 + 3 = 5
Asia-Pacific	1	2	2*	(x)	1 + 2 + 2 = 4
EEG	1	0	1	(x)	1 + 0 + 1 = 2
GRULAC	0	1	2	(x)	0 + 1 + 2 = 3
WEOG	3	1	2	(x)	3 + 1 + 2 = 6
	5	6	10	(x)	21 + (x) ⁸

(x) The proposal is neutral as to whether seats in the non-permanent category are added, which are therefore referred to as "(x)". The Eastern European Group has asked for an additional non-permanent seat under any enlargement model.

Regional representation under model 1.d

	existing perm. seats	new category of seats	existing non-perm. seats	new non-perm. seats	TOTAL (perm + med. + non-perm)
Africa	0	1.5**	3*	1	0 + 1.5 + 4 = 5.5
Asia-Pacific	1	1.5**	2*	1	1 + 1.5 + 3 = 5.5
EEG	1	0.5***	1	1	1 + 0.5 + 2 = 3.5
GRULAC	0	1	2	1	0 + 1 + 3 = 4
WEOG	3	0.5***	2	0	3 + 0.5 + 2 = 5.5
Small States				1	1
Medium size States				1	1
	5	5	10	6	26

** The proposal allocates one seat to Asia/Africa, which has been distributed evenly amongst both groups for reference purposes only.

***One seat rotates between EEG and WEOG, resulting in an average of 0.5 seats for each region.

⁸ A decision on adding new seats in the non-permanent category could be part of the review, cf. 6.2.a.ii.

Regional representation under model 1.e

	existing perm. seats	existing non-perm. seats	new non-perm. seats	TOTAL (perm + non-perm)
Africa	0	3*	3	0 + 6 = 6
Asia-Pacific	1	2*	3	1 + 5 = 6
EEG	1	1	1	1 + 2 = 3
GRULAC	0	2	2	0 + 4 = 4
WEOG	3	2	1	3 + 3 = 6
	5	10	10	25

4. Size of an enlarged Council and working methods of the Council⁹

4.1 The Security Council membership shall be increased from fifteen to (x)¹⁰ members.

4.2 Measures on working methods are limited to challenges arising from the enlargement of the Council. The following list serves as a placeholder. Some of the measures listed below can be decided at the same time as enlargement, while others require work to be done thereafter. This work must be concluded at the time of entry into force of the amendments at the latest.

- a. **Majority required** for decision-making: The majority required for decision-making in an enlarged Council is to be reflected in the necessary Charter amendments (art. 27 (2) and 27 (3)).
- b. **Review of the working methods of the subsidiary bodies.** A thorough review of the working methods is required, in particular on decision-making.
- c. **Council Presidency:** Ensuring that every member of the Council will continue holding the Presidency at least once during its membership will require a change to the current practice.
- d. **Secretariat capacity:** Review of the capacities and the resources of the Secretariat required to service an enlarged Council.

⁹ This section is linked to categories of membership and the question of the veto.

¹⁰ Cf. charts in section 3.

- e. **Practices and arrangements relating to permanent membership:** Review of the privileges enjoyed by the Permanent Members outside the Security Council (e.g. membership in bodies such as ECOSOC and ICJ, practice of distributing senior positions within the UN system).
- f. **Alleviating the workload** of the Council: Ways to address the workload, e.g. assigning more tasks to subsidiary bodies on (sub)-regions. This would require extending the possibility of voting to subsidiary bodies.
- g. **Chairmanships** of subsidiary bodies: Assigning chairmanships of subsidiary bodies in an equitable and transparent way.

5. Relationship between the Council and the General Assembly¹¹

Measures in this section can include:

- a. Submission of an analytical annual report of the Security Council to the General Assembly, pursuant to Articles 15 (1) and 24 (3) of the Charter, and establishment of a dialogue between the two bodies on the report.
- b. Increased use of special reports to the General Assembly, in accordance with Article 24 (3) of the Charter.
- c. Establishment of a practice under which permanent members explain non-concurring votes to the General Assembly.

6. Cross-cutting issues

6.1 Amendments to the Charter

All enlargement models require a General Assembly resolution, to be adopted in accordance with resolution 53/30 of the General Assembly, containing amendments to the Charter. These amendments are subject to ratification and enter into force in accordance with Chapter XVIII of the UN Charter. Charter provisions subject to amendments are articles 23, 27, and 109.

¹¹ This section is linked to the question of the veto.

Enlargement under models 1b to 1e (a single General Assembly resolution)

The Charter amendments resulting from enlargement are annexed to the General Assembly resolution. Elections take place once the amendments have entered into force

Enlargement under model 1a (two General Assembly resolutions)

A General Assembly resolution deciding on enlargement is followed by the election of the new permanent Members by the General Assembly. The Charter amendments are adopted thereafter in a second General Assembly resolution.

6.2 Review clause¹²

Elements to be considered in connection with a possible review clause include:

- a. Scope
 - i. A limited review covering certain aspects of Security Council reform¹³.
 - ii. A comprehensive review, covering all aspects of Security Council reform¹⁴
- b. Timing
 - i. The review takes place after a specified number of years¹⁵
 - ii. A review is provided for, but without decision on its timing.

¹² Most enlargement models provide for review clauses, while in some cases they do not offer specifics on scope and timing.

¹³ Applicable e.g. to 1a.

¹⁴ Applicable e.g. to 1c.

¹⁵ Proposals include either a fixed number of years (15) or a relation of the timing of the review with the length of a terms of a new category of seats (e.g. 2x).

Memo

To: H.E. Amb. John Ashe, President of the 68th session of the General Assembly

and to Amb. Noel Sinclair

from: Amb. Daniele Bodini

I am very grateful for being appointed as a member of the President's Advisory Group for the Security Council Reform.

I am convinced that under the PGA leadership and Amb. Zanin as facilitator, with the help of the AG, under the supervision of Amb. Sinclair, the Security Council reform can find the needed energy to move forward in the 68th session.

I believe that a smooth, transparent IGN is the only way forward, where all member States can participate and where each of them can express their individual position on such important reform.

I believe that a negotiated reform can be only achieved starting from Rev.2, eventually adjourned to today specific countries' requests by the facilitator, Amb. Tanin.

I am very happy that the PGA on November 7th meeting clarified that the AG group has only a consultative purpose and not being representative of any negotiating party, it doesn't have a negotiating role nor a mandate to draft or streamline any negotiating document or a basis for negotiations. The AG does not overlap or substitute the IGN.

I completely share the PGA decision. In fact, we cannot forget that when Amb. Tanin tried to streamline Rev.2 in Rev.3 many serious controversies arose.

To reorganize or sum up positions of member States can be harmful, because the process can either delete or misrepresent each position of member States, with the risk of derailing or at least complicating the entire process of the IGN.

I believe that any kind of streamline of Rev.2 should be the result of the IGN painstaking negotiations.

For all the above reasons, I didn't participate in preparing this short non-paper that might expose the AG work to criticism and possible failure and might derail the efforts of the PGA.

How can we move the process of the IGN negotiations in an effective way?

I believe that at this time, the AG should advise the President about a new methodology of the "way forward" and not on the positions of different member States and groups, positions that we know by heart and that are described in details and with great accuracy in Rev.2 (document approved by the entire membership).

I believe that during the last few years the IGN process was a continuous stop and go; once that the participants member States made their statements, the process stopped for weeks or months, creating more divergencies than convergencies.

It is clear that a lasting reform has to be as widest accepted as possible. It has to be a compromise between member States and it has to take into account all the 5 interrelated topics of the SC reform.

To achieve concrete results in the IGN, we have to be patient, show flexibility and not try to impose one solution over another.

We have to build confidence in the process. We want to maintain the members States engaged.

How to achieve this?

The PGA already made a positive step by establishing the AG, based on the response of the 7 and 8 November meeting, this new idea attracted a lot of attention, even though the response was mixed.

As I pointed out in previous meetings, I believe that if the President wants to go forward with the AG, such group should be enlarged with few more members, so that different groups (like for example the Arab group, the Eastern European Group, the Permanent members, etc) shall be represented as well.

The AG shall not substitute the role of the facilitator in taking notes of member States statements and in compiling accurately the various positions.

I believe that during the IGN meetings, that, in my opinion should be more frequent than in the past, the AG shall advise the PGA on when and where could be space for convergency and compromise among States and groups of different views.

I believe the AG members under the able stewardship of Amb. Sinclair shall meet with Amb. Tanin and, leveraging on his unique experience, define a new program of work with a definite schedule and a renewed, transparent, open approach to find a solution in the IGN discussions with the widest possible agreement.

The AG shall consult constantly with the PGA how to bridge the differences among member States.

I believe that only following this path, the AG efforts can be helpful to the PGA in such very important undertaking.

New York, 5th December 2013