

**REPORT
TO THE PRESIDENT
OF THE GENERAL ASSEMBLY
ON THE CONSULTATIONS REGARDING
“THE QUESTION OF EQUITABLE
REPRESENTATION ON AND INCREASE IN THE
MEMBERSHIP OF THE SECURITY COUNCIL AND
OTHER MATTERS RELATED TO THE
SECURITY COUNCIL”**

**United Nations, New York
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I. INTRODUCTION

1. On 22 May 2007, the President of the General Assembly appointed H.E. Mr. Heraldo Muñoz, the Permanent Representative of Chile and H.E. Mr. Christian Wenaweser, the Permanent Representative of Liechtenstein, (hereafter referred to as “the authors of this report”), to conduct consultations with the membership on how to move the process forward, in formats they should deem useful. The President asked the two Permanent Representatives to use the five Facilitators’ report of 9 April 2007 as the basis for those consultations, and to report back on the outcome before the end of June 2007.
2. Moreover, in view of their significant contribution to the deliberations on Security Council reform, the President of the General Assembly asked the facilitators appointed on 8 February 2007, to continue to advise her on this important matter.

II. BACKGROUND

3. This report is submitted in accordance with the mandate contained in the above-mentioned letter of 22 May. In keeping with this mandate and building upon the momentum created by the Facilitators’ report, the authors of this report have conducted inclusive and extensive consultations. In this context, they approached existing groups – those that have taken a position on Security Council reform in the past as well as others – and thus reached out to the membership in the course of their consultations. In addition, they also held numerous bilateral talks.
4. The authors of this report also benefited from the views offered during the informal plenary meetings held on 3 and 4 May 2007, as well as from the insight provided by the Facilitators advising the President of the General Assembly.
5. Throughout this latest stage of consultations, many Member States have reiterated that Security Council reform is an integral part of the ongoing United Nations reform process, and that United Nations reform would be incomplete without a meaningful reform of the Council. In this regard, the status quo is not acceptable to an overwhelming majority of Member States. There is thus a continued strong commitment to Security Council reform in accordance with paragraphs 152 to 154 of the Outcome Document of September 2005.
6. Furthermore, Member States underscored that to move forward on Security Council reform, flexibility had to be effectively shown and shared by all concerned. Such flexibility would imply a concrete commitment to find the widest possible political agreement.
7. Both the Facilitators’ report and the informal plenary meetings made it clear that those who have taken a distinct position on Security Council reform in the past still maintain those positions. This report is thus without prejudice to positions expressed by Member States in the past and in particular to the proposals on Security Council reform

submitted in the past by the G-4 (A/59/L.64), the Uniting for Consensus Group (A/59/L.68) and the African Group (A/59/L.67). The same applies to the proposal submitted by the S-5, which dealt exclusively with the working methods of the Security Council (A/60/L.49).

8. The consultations have reaffirmed that at this stage of the process, the positions of the major interest groups from the past are unlikely to be fully realized. Therefore, as stated in the five facilitators' report, under the present state of affairs, Member States, including those supporting the above-cited draft resolutions, while retaining their initial positions, may be open to explore further a transitional approach to Security Council reform. At present, there is considerable interest in and openness to the transitional or intermediary approach; yet, a deeper understanding is needed to advance the process. This report is intended to assist in such a possible exploration.

III. THE INTERMEDIARY APPROACH

9. The positions taken in the past have revealed stark differences of opinion on a number of issues such as size of an enlarged Council, the veto and on whether new permanent seats should be created. The intermediary approach, as outlined in the Facilitators' report, is intended to reconcile these positions to the extent possible and is therefore by definition a compromise. At the same time, it is not meant to reflect a lowest common denominator, but rather a possible solution that is at the same time politically sustainable and framed in a manner that is flexible enough to allow the membership to take further reform steps in the future. It is clear that the goal of any proposal on Security Council reform should be finding the formula that garners the strongest possible agreement of the membership - preferably expressed through support exceeding the legally required two-thirds majority, thus facilitating an early entry into force of the necessary Charter amendments.

10. Such a solid political majority will have to take into account the interests and concerns of all major interest groups and States, including of those who do not fully subscribe to any of the proposals submitted in the past. This includes small States who emphasize their particular interest in the issue of working methods, in particular the aspect of access to information and decision-making within the Council - to which those who have an item inscribed on the Council's agenda also attach particular importance - as well as enhancing their possibility to serve in the Council.

11. A transitional approach assumes an interim arrangement and should have as an integral component a mandatory review to take place at a predetermined date to review and assess the adequacy of this arrangement. Issues on which Member States will not agree in the negotiations would have to be deferred to the review.

IV. NOTIONS FOR DISCUSSION

12. Paragraph 8 of the five Facilitators' report states that "States may wish to explore new and emerging ideas concerning a transitional approach to Security Council reform." It goes on to say that "within the transitional approach there are different options and variations that Member States may wish to further explore." The following notions are intended to assist Member States in such a further exploration of a transitional approach, if they so wish.

Size and categories of membership

13. The size of an expanded Security Council depends on striking an adequate balance between the general satisfaction about the geographical representation of the Council, in particular in terms of the representation of developing countries and of small States, and the desire to maintain its efficient functioning. In their consideration of the size of the Council, States may want to examine the linkages between the size and the scope of the review clause, and address the issue of access of States that are not members of the Council to its decision-making process in the context of the discussions concerning the improvement of the working methods.

14. The intermediary approach entails the creation of a category of membership not currently provided for under the Charter. Within the intermediary or transitional approach, Member States may wish to consider, inter alia, creating extended seats that could be allocated for the full duration of the intermediary arrangement, up to the review; extended seats for a longer period than the existing non permanent seats with the possibility of re-election; or extended seats for a longer term than the existing non permanent seats but without the possibility of re-election.

15. Any of these options can be combined with enlargement in the regular non-permanent category, in accordance with article 23.2 of the Charter.

16. The options in size range from a limited to a large expansion, a decision which could be adopted either in one step or in stages – i.e., a given number at first and a further expansion in the review.

17. The length of the extended seats would have to be considered together with their re-election modalities, as appropriate, and the geographic distribution of the new seats. This constitutes an essential negotiable and is also tied to the review.

Elections of New Members

18. Member States may wish to consider the modalities for electing members in the new category of seats. While such elections would have to be held in accordance with the relevant provisions of the Charter, States may want to consider whether the elections for additional seats and the regular two-year seats take place simultaneously. Furthermore, Member States may wish to add a provision which would prevent countries from presenting candidatures for both the new category and the traditional non-permanent category at the same time or in short intervals.

Veto

19. Within the intermediary approach, States may want to examine the question of rules concerning the exercise of the veto, including forms of limitations of its use, possibly in the framework of a decision on working methods. Given that none of the options under the intermediary approach entail the creation of new vetoes, this possibility would under any of the options be left for consideration in the course of a review. The use of the veto is linked to the issue of working methods as well as to categories of membership and the review.

Regional representation

20. As far as regional representation, States may wish to reflect on the notions presented in the Facilitators' report in their possible further consideration of an intermediary approach. This issue is linked in particular to the question of size and composition.

Review

21. A review clause may open the way to take further reform steps in the future. Within an intermediary approach, special weight must be given to a review clause. Such a review must be mandatory and take place after a specified number of years following the entry into force of Charter amendments related to Security Council reform. It is further indispensable to clearly define the scope of the review.

22. While the review plays a central role in the consideration of an intermediary approach, further changes to any aspect of the composition of the Security Council will require a separate decision by the General Assembly on a further amendment of the UN Charter and a separate ratification process.

23. The central role of a review clause is linked to all other aspects of Security Council reform and in particular to those aspects on which Member States will not agree in negotiations. These might include the question of the creation of permanent seats including the question of the veto, the creation of additional non-permanent seats in accordance with Article 23, paragraph 2 of the Charter of the United Nations and the further consideration of arrangements regarding the use of non-concurring votes by Permanent members of the Security Council in accordance with Article 27, paragraph 3 of the Charter. The review should also entail undertaking a comprehensive reassessment of the Security Council, including its composition and working methods.

Working methods

24. There is general agreement on the high importance of working methods. Enlargement and working methods need to be dealt with in a comprehensive manner, and reform would be incomplete without either one. The complementary nature of the two areas of Security Council reform is generally recognized, within which the possibility of advancing independently on the two aspects is also put forward. The different nature of the two aspects of reform, with only enlargement requiring a Charter amendment, has to be taken into account in this regard. The issue of working methods is linked to the

review, the veto and the size of an enlarged Council, in particular through enhancing the access of non-members to the decision-making process of the Council.

V. FUTURE STEPS

25. A large number of Member States expressed the view that the President of the General Assembly has established favourable conditions to advance toward a process of negotiations among Member States. Delegations expressed the view that instead of further consultations, the next stage should consist of negotiations.

26. While the continued leadership of the President of the General Assembly will be essential, substantive input from Member States will be indispensable in order to take the discussions to the next stage, i.e. intergovernmental negotiations, with a view to continuing moving forward, so as to achieve further concrete steps within the sixty-second session of the General Assembly.

27. Future negotiations would need to be conducted on the basis of a text containing concrete elements on all the negotiables identified in this report. Member States should have primary ownership of such a process.

28. This report is intended to enable tangible progress through which Security Council reform can be brought to a next stage that could include - in concrete terms - an agreement on an intergovernmental negotiating process, as the only way to move forward.

29 Flexibility must be effectively shown and shared by all concerned in a process that would need to continue to be all-inclusive and transparent. There have been years of discussions, without substantial results. The time has come to bring the process closer to decision-making. It is therefore important that the current momentum be maintained in order to develop a common understanding conducive to the attainment of the Security Council reform.

30. This report represents a genuine effort of the two Permanent Representatives to fulfil the mandate given to them by the President of the General Assembly in her letter of 22 May. It thus brings to an end their work under this mandate.