



The Permanent Representative of Italy to the United Nations
"Uniting for Consensus" – Focal Point

N. 2133
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Excellency,

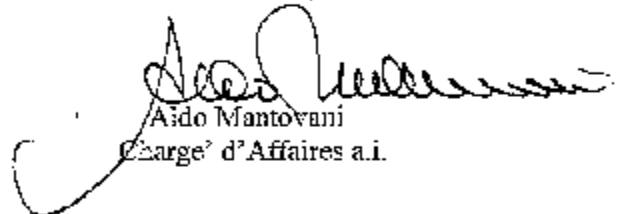
on behalf of the Uniting for Consensus Movement we would like to thank you for inviting views and suggestions on your first draft proposal for a resolution on Security Council reform, circulated on May 16, 2005. We recall that on May 9 we all agreed with the President of the General Assembly to engage together in a constructive dialogue to preserve our common endeavor.

We concur with the desire expressed in your letter for a "constructive dialogue, with a view to reaching the broadest possible agreement". Indeed, the General Assembly, in its resolution 59/291 of 15 April 2005, decided to achieve the "broadest possible agreement" on "all major issues" which, obviously, include Security Council reform. The Assembly's decision to achieve broadest possible agreement implies consultations and negotiations. However, the circulation of your draft proposal on May 16 and the accompanying indication of a definite timeframe for voting in a 3-step process contradict the desire for a constructive dialogue in order to achieve broadest possible agreement and jeopardize important decisions on several other issues, including development, which are being evolved in the consultations process led by the President of the General Assembly.

Please find herewith our comments on your draft. We hope that these comments, together with our further consultations that will follow in the next weeks, will help to show the best way to advance in our endeavor to reform the United Nations, including the Security Council.

We look forward to your positive response.

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


Aldo Mantovani
Charge d'Affaires a.i.

Their Excellencies
the Permanent Representatives
of Brazil, Germany, India, Japan
to the United Nations

CC. H.E. Jean Ping, President of the General Assembly.
H.E. Kofi Annan, Secretary General
All the Permanent Representatives and
Permanent Observers to the United Nations

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MEMORANDUM

The G4 approach. Shortcomings

Permanent membership

- Creating six new permanent members will be contrary to the UN Charter's principle of sovereign equality
- It will provide permanent presence on the Council to 11 States while consigning 180 other States to compete for 14 seats.

Representativeness

- It will change the ratio of permanent versus non-permanent members from 1:2 to almost 1:1, reducing, and not enhancing, the representativeness of the Council. It will, inevitably, concentrate power in the hands of 11 permanent members, marginalizing the rest of the UN membership.

Accountability

- The Security Council reform must also enhance not reduce the accountability of SC members to the general membership since almost half of its membership will not be obliged to seek election or re-election.
- Any reference to accountability is conspicuously absent from the G4 draft resolution.

Efficacy

- The need to reconcile the national interests of 11, rather than 5 States, will reduce the Council's ability to act quickly.

The working methods

- For the majority of the member States the improvement of the working methods is as important as the composition and the size.

The question of veto

- The creation of new permanent members implies extension of the veto power. Question arises whether this would be feasible and desirable.

The 'cascade effect'

- Permanent members of the Security Council enjoy also, among their privileges, the right to be permanently present at the General Committee of the General Assembly and de facto 'right' to have permanently a judge at the International Court of Justice as well as to occupy key positions in the UN system. It is imperative to know if the G4 draft resolution creating new permanent members includes this 'cascade effect'.

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Divisiveness

- Offering permanent privileges to additional six countries, while excluding the representation of other equally qualified member States, aggravates an inequitable situation created in 1945 for very specific historical reasons. If such a divisive proposal is brought to a vote, it would further heighten tensions and erode the universal support of Member States for the United Nations. Such universal support is the basic foundation of the Organization's credibility and legitimacy.

Broadest possible agreement

- If a positive outcome is to be assured, Security Council reform should be equitable and achieved through the broadest possible agreement.

The legal perspective

- The three-phase approach outlined in the G4 draft resolution raises more questions than it answers, particularly from the legal perspective.

The review clause

- The review clause envisaged in the G4 draft resolution would only secure the status of the new permanent members. If one sincerely believes in the instrument of the review conference (art. 109), it might be advisable to propose to hold one right now. The promise of a future review can hardly serve as a mechanism for accountability; only periodic elections of the Council's members by the General Assembly, can assure such accountability.

Uncertain outcome

- Ultimately, the G4 approach does not provide assurance of any outcome on reform of the Security Council and can stall at any stage.

The approach of "Uniting for Consensus"

- Uniting for Consensus will shortly share an alternative approach, developed after wide-ranging consultations with member states, which can accommodate the interests of all States, large and small, as well as various regions and constituencies.
- It would add 10 elected seats, open to all Member States. Any State that can generate the support of its peers in the General Assembly could be elected and re-elected to the Council. Moreover, through the elimination of the prohibition against immediate re-election in Article 23, those States, which believe they have a larger or special contribution to make to the maintenance of international peace and security, could seek and achieve more frequent, even continuous representation in the Security Council, so long as they meet the democratic test of periodic election in the General Assembly. Such periodic elections would also serve as the best means to ensure accountability on the part of those States which claim that they would perform global or regional representational roles in the Security Council.

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- Each regional group could create its own arrangements, e.g. designating one or more States from their region for more frequent and even continuous membership in the Security Council. Assured representations of various important groups such as CARICOM, Arab Group, OIC, can also be accommodated through such arrangements.

Action

- The Uniting for Consensus Movement suggests the following course of action:
 - i) One, considering the delicate issue of the SC reform, we all should continue the process of intensive consultations, under the auspices of the President of the General Assembly, and with the assistance of the Secretary-General, with a view to reaching the broadest possible agreement on Security Council reform.
 - ii) Two, we should all work sincerely and constructively to reach the broadest possible agreement, at least on the main elements of Security Council reform, by the September High-level Event.
 - iii) Three, until such a solution has been reached, the G-4, the Uniting for Consensus and others should not formally table any draft resolution on Security Council reform or other UN reform issues nor seek to press such proposals to a vote.