

First Meeting in Open-ended Working Group on Security Council Reform

11 November 2008 (updated on 17 November 2008)

The Open-Ended Working Group on Security Council Reform (OEWG) met on 11 and 17 November 2008 for the first meeting of the 63rd GA session. It had been widely anticipated by Member States - especially after September's dramatic and confusing conclusion of the Working Group (see "Member States Renew Mandate for Working Group on Security Council Reform after Intense Discussions") - with many hoping that it would help shed light on the future process. Most comments made centered on the role of the Working Group vis-à-vis the upcoming intergovernmental negotiations, the need for a framework agreement in the Working Group before moving to intergovernmental negotiations, and how and when such negotiations could be initiated.

11 November 2008

In his opening statement, GA President and Chairman of the Working Group, **Miguel d'Escoto Brockmann**, emphasized the importance that he attached to Security Council reform, noting that it was an important part of his overall UN democratization agenda. He further welcomed GA resolution 62/557 of 15 September 2008 (see "Member States Renew Mandate for Working Group on Security Council Reform after Intense Discussions"), which called for intergovernmental negotiations to begin no later than 28 February 2008, saying to delegates, "You have decided to take the next step." He mentioned that he had scheduled intergovernmental negotiations to start already on 21 November 2008 (with a General Assembly debate on Security Council reform also scheduled for 18 November 2008), but that he had been approached by representatives of the Uniting for Consensus group (UfC) who had said that this violated a "gentleman's agreement" from September 2008 requiring that intergovernmental negotiations first begin after a framework had been agreed upon in the OEWG. This revelation set the tone of the debate, where delegates questioned the role that the OEWG should play in the Security Council reform process. The following is a general overview of today's statements.

Mexico started the debate by stating its full commitment to Security Council reform and emphasizing that it is essential for the OEWG to define the framework and modality of intergovernmental negotiations. In this capacity, Mexico has been working with the Republic of Korea to put forth a timetable outlining the way forward, involving discussion of purposes, principles, and parameters for the negotiations. According to this timetable there will be five meetings of the Working Group in all: Two meetings in November, two in December and January and a last meeting in late January to discuss a final report of the Working Group.

Germany, in contrast, expressed exasperation with the ongoing OEWG process, saying that Member States have committed to intergovernmental negotiations in resolution 62/557 and that they should commence in the GA plenary on 21 November. Germany said that it had no knowledge of a "gentleman's agreement," and that while it does not oppose talks in the OEWG, it feels that the group's potential has been "widely exhausted." It was further stated that the rules of procedure for the intergovernmental negotiations should be the rules governing the General Assembly, which would also provide the format, meaning "widest possible agreement."

Italy responded by emphasizing the need to search for common ground, saying that every step must be well-planned. Italy said that there is a "gentleman's agreement" that the OEWG should finish its work on framework and modalities before intergovernmental negotiations can begin, and expressed its support for the timetable proposed by Mexico and Korea.

Mauritius, on behalf of the African Group, restated the common African position on Security Council expansion outlined in the Ezulwini Consensus, emphasizing that the African Union should

be responsible for the selection of Africa's representatives in the Security Council. While not specifically mentioning the work of the OEWG, Mauritius said that "any attempt from any quarters to stall the intergovernmental negotiations will be tantamount to further delaying Africa's rightful place in the Security Council."

France noted that the Working Group cannot set the preconditions for intergovernmental negotiations.

Japan said that resolution 62/557 already provides clear guidelines on the methodology of negotiations, and welcomed the initiative to commence intergovernmental negotiations on 21 November. Japan further underlined that every Member State proposal put forth until now should serve as the basis for negotiations, and that the rules of procedure of the General Assembly should be used as rules of procedure during the intergovernmental negotiations.

Egypt expressed their support for both the Ezulwini consensus and the Mexican roadmap, suggesting that discussions begin in the Working Group and later report to the General Assembly. Egypt further noted that future negotiations must be based on proposals made by Member States and not proposals put forth by facilitators, "overarching processes" or other third parties.

Indonesia said that the Working Group should be in charge of preparing a framework for the upcoming intergovernmental negotiations.

The United States underlined their belief in the continued validity of the Working Group, saying that the forum should prepare a framework for the upcoming negotiations, and that all efforts ought to be concentrated in the Working Group until 1 February. The US further stated that there is no reason to rush through the process and that a reform of the Security Council should only be one part of a broader UN reform package.

The Republic of Korea said that the Working Group must agree on framework and modalities before Member States can move to intergovernmental negotiations. To that end, the delegation had prepared, with Mexico, a timetable and suggested to the Chairman that he appoint some facilitators to help the process underway.

Russia said that Member States should not expect disagreements to simply go away just because there will be a change of venues. Russia stressed the need for consensus and added that they would be ready to consider an intermediary approach.

Pakistan urged Member States to respect the spirit of resolution 62/557, which - they claimed - stipulated that the Working Group first agree on framework and modalities before embarking on intergovernmental negotiations. They further noted their support of the Mexican proposal for a timeline, while stating that a negotiated solution should be the ultimate goal of the discussions. Lastly, Pakistan suggested that Member States adopt some sort of resolution or final report that could officially turn over the process to the General Assembly in February.

Brazil stated that resolution 62/557 already set forth the modalities and framework for negotiations, and welcomed the proposal to begin negotiations on 21 November, saying, "After fifteen years of consultations on Security Council reform, Member States know everything they need to know in order to successfully start, conduct and conclude ... negotiations."

The United Kingdom noted that no approval was needed by the Working Group in order to begin intergovernmental negotiations.

Canada suggested that negotiations surrounding the International Criminal Court as well as the UN counter-terrorism strategy could serve as useful examples in how to conduct further deliberations in the OEWG. Canada underlined that the task of the Working Group should be to establish framework and modalities for the upcoming intergovernmental negotiations. On that note, Canada voiced their support of the Mexican initiative to launch a timetable and proposed that Member States agree on some sort of outcome document of the Working Group before handing over the process to GA in February.

India pointedly said that they did not expect anything useful to come out of the Working Group at this point, and they underlined that the OEWG in no way can establish any preconditions for the future process. “There is no linkage between the Open-ended Working Group and the plenary session of the General Assembly,” said Indian Ambassador Sen and added that he didn’t even understand the purpose of today’s meeting. He further noted that India was not aware of any “gentleman’s agreement,” and urged the President of the General Assembly to hold intergovernmental negotiations on 21 November 2008.

Costa Rica remarked that they opposed the Indian statement. “It will be might is right, if we add more permanent members,” the Ambassador said

Spain, Argentina, Colombia and **Turkey** all stated their support of the Mexican timetable, while Belgium voiced their support of early negotiations.

17 November 2008

GA President **d’Escoto Brockmann** began the resumed session with a few remarks on the OEWG process. Backing off from his earlier suggestion to start intergovernmental negotiations on 21 November, he said that decision 62/557 remains the roadmap for the reform process and that intergovernmental negotiations should start “as soon as conditions on the floor permit.” He suggested that the Working Group focus on methodology, which could give intergovernmental negotiations a head start.

Ecuador said that it looked forward to starting intergovernmental negotiations on 21 November, since the OEWG has all the necessary elements in place to start substantive talks. Ecuador suggested that the chair of the Working Group prepare, for 21 November, a timetable and roadmap for the way forward.

China said that the Working Group should lay the foundation for intergovernmental talks, which should start in February, by preparing the framework and modality of the discussion. China emphasized the need to reach “widest possible agreement” and said that its priority was to ensure more representation for developing countries, especially in Africa.

Saint Lucia asserted that decision 62/557 laid out the necessary timeframe and process for negotiations, and that discussion in the GA plenary should commence as quickly as possible, although the delegation said it was prepared to wait a few more days.

Fiji expressed concern about undue pressure exerted on the Chair by certain delegations, saying that decision 62/557 excludes linkage between the OEWG and the start of intergovernmental negotiations and that it hopes the negotiations will start in a “timely and effective manner.”

Cape Verde emphasized the need to “avoid delaying tactics,” calling for intergovernmental negotiations to start as early as possible and saying that the Security Council needs “profound leadership change.”

The Philippines expressed support for the timeline proposed by Mexico and Korea, but said that if the OEWG fails to submit a support by 1 February, the informal plenary should begin negotiations regardless. Furthermore, they said that there should be some sort of draft submitted by 30 November 2008.

Jamaica stressed the need to move forward and avoid delay, saying that it is disturbed by the attempt to reopen debate on already-decided matters. Jamaica said that it could not support the Mexico-Korea timeline and that decision 62/557 provides the necessary roadmap.

Mongolia said that decision 62/557 already clearly laid the ground for negotiations, which should follow the GA rules of procedure, and that it looks forward to starting negotiations on 21 November.

Malaysia said that it was perplexed by the so-called “gentleman’s agreement” to start negotiations in February. Malaysia said that it is ready to engage in intergovernmental negotiations “almost immediately” but that it is willing to wait a few more months to begin.

Mauritius, speaking in its own national capacity, reiterated its support for the Ezulwini Consensus, saying that Africa must be permanently represented in the Security Council, and asserted that the Council should be expanded to about 25-26 seats. Mauritius stated that it “fully concurs” with the decision to start negotiations on 21 November, saying that the framework for discussions should be the GA rules of procedure and that the modality should draw from the Ezulwini Consensus.

Malta said that the OEWG should prepare the roadmap for intergovernmental negotiations and expressed its support for the Mexico-Korea timeline, which would give small delegations time to prepare. Malta emphasized the need to reach “widest possible agreement” and said that comprehensive Security Council reform should be part of broader UN reforms.

The Czech Republic said that decision 62/557 represents the point of departure for intergovernmental negotiations, specifying the GA rules of procedure as the correct modality, and that negotiations should start “sooner rather than later.”

South Africa said that decision 62/557 represented a move away from consultations in the Working Group and that negotiations should start in November.

Nigeria said that it had no knowledge of any “gentleman’s agreement” to start negotiations in February, and that the chair should respect the “majority view” to start intergovernmental negotiations as soon as possible.

Ethiopia said that it is time to start the long-overdue intergovernmental negotiations on Security Council reform.

Saint Vincent and the Grenadines said that the OEWG is ill-suited for substantive negotiations, and that intergovernmental negotiations cannot wait for the conclusions of the OEWG.

Chile, emphasizing the need to “move forward united,” said that decision 62/557 indicates that the report of the OEWG, submitted by February, is an integral part of the reform process and that the deliberations in the OEWG on a framework precludes the beginning of intergovernmental negotiations.

Guatemala said that, while it had originally only favored expanding non-permanent membership, it could live with any proposal that obtains the broadest possible support. Guatemala said that reforming Council working methods is not sufficient, and that intergovernmental negotiations should begin “sooner, rather than later.”

The Solomon Islands said that they were concerned with the statement made by the GA President, adding that “the OEWG must not hold the intergovernmental negotiations hostage.” Romania said that it is high time to start intergovernmental negotiations, and that any proposals must reflect the aspirations of regional groups.

Namibia stressed the need to address procedural issues within the OEWG and said that Member States should move to intergovernmental negotiations after the work of the OEWG had concluded.

Algeria underscored the valuable contributions of the OEWG and expressed support for the Mexico-Korea timeline, saying that hasty action could undermine the negotiation process. Cuba voiced concern about the so-called “gentleman’s agreement” and said that negotiations should start as early as possible.

Benin said that decision 62/557 defined the GA plenary as the framework for discussion and said that negotiations should start in November, stressing that the negotiation process is not related to the work of the OEWG.

Mexico, exercising their right of reply, emphasized that it is willing to compromise on its proposed timeline and welcomed negotiations on the topic to break the current impasse.

The date and format of the next meeting has not yet been determined, but will be communicated to Member States by the **Chairman of the OEWG** in due time.

**This article is meant as an update of today's meeting and does not represent a complete and official account of all positions expressed by Member States. The Center for UN Reform Education does not endorse any particular reform proposals.*