

## Member States Renew Mandate for Working Group on Security Council after Intense Discussions

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*With only a few hours left in the 62nd Session of the General Assembly and in the face of a total collapse, Member States finally managed to broker a groundbreaking deal to renew the mandate of the Open-ended Working Group on Security Council Reform. The deal - based on consensus - includes an ambitious plan to move discussions from the Working Group to intergovernmental negotiations in the General Assembly.*

On Friday, 12 September 2008, Member States met once more to discuss a redrafted version of the contentious report on the work and future of the Open-ended Working Group on Security Council Reform. During the hour-long afternoon meeting, however, all of the major interest groups continued to voice opposition to the work of the President of the General Assembly, Sgrjan Kerim and his Task-Force (Ambassadors Ismat Jahan of Bangladesh, Heraldo Muñoz of Chile, Roble Olhaye of Djibouti, João M Guerra Salgueiro of Portugal) and negotiations needed to be continued throughout the weekend.

In general, members of the Group of Four (G4) called for a reform based on the “widest possible agreement” (possibly through a vote), and a set deadline for the commencement of intergovernmental negotiations to take place in a plenary session of the General Assembly. The Uniting for Consensus bloc (UfC), led vocally by Italy and Pakistan, called instead for a reform based on a “general” agreement (usually understood as a consensus solution), stated their objections to “artificial” deadlines and rejected the idea of moving away from the Working Group without having first agreed to the modalities and framework for negotiations.

### **Monday Morning - Last day of the 62nd GA Session**

On Monday morning, it quickly became clear that Kerim and his Task-Force had been unable to find a workable solution over the weekend. Several drafts had been faxed back and forth to missions, but all had failed to bridge the views of the different factions.

The mood was therefore gloomy as ambassadors and diplomats entered Conference Room 2 at the United Nations Headquarters. In the General Assembly Hall next door, decisions on all other agenda items had been put on hold until a decision had been made on “the Question of Equitable Representation on and increase in the Membership of the Security Council and Other Matters Related to the Security Council.”

A new draft report with amendments had been put together by the GA President and his Task-Force for the morning meeting. Among others, it suggested to start intergovernmental negotiations by December in both the Working Group and in an informal General Assembly plenary. The draft was forcefully supported by the G4 on one side, while the Italians & the UfC as well as several of the Permanent Members of the Security Council, on the other side, balked at the new draft and especially at the idea of moving negotiations away from the Working Group. “UfC final position [...] is that the Open-Ended Working Group is the right forum for holding these negotiations,” said Italian Ambassador Giulio Terzi di Sant’Agata in his statement. “We propose that in para. (d) of the draft recommendation, the words “informal plenary of the General Assembly” be replaced by “Open-Ended Working Group.” The Chinese Ambassador added that the Working Group should be the

only appropriate forum for negotiations on a reform of the Council, and that any solution should be based on consensus.

Nevertheless, the new draft also failed to win the necessary support and the meeting was suspended for a couple of hours. If no agreement could be found, the mandate of the Working Group would run out. This would not necessarily mean that the membership could not continue Security Council reform talks - a Member State can always table a resolution in the General Assembly - but it would mean that reform discussions would move away from the open forum of the Working Group in which all Member States are seated.

### **Monday Afternoon**

Upon his return, Kerim announced that the report would be withdrawn as he had been unable to find a compromise solution. Several countries immediately sprung into action, with South Africa, and some 50 cosponsors, now presenting the report for adoption. "If someone doesn't like it, let's have a vote and see who it is," South African Ambassador Dumisalo Khumalo announced.

It caused instant confusion, with Member States scrambling to get the microphone as Secretariat officials powered up the voting machines. The Italian Ambassador called for a technical roll-over resolution, while several countries spoke for and against the validity of a vote in the Working Group. The confusion became even more widespread as several Member States seemed unaware of what base they were voting on. Especially Costa Rica and Italy forcefully claimed to receive a clean, official and final version of the report before they could vote.

And in the midst of the confusion of speakers - some objecting to a vote, others loudly calling for the Chairman to close the list of speakers - Kerim quickly asked the membership if they could adopt the report by consensus. Waiting only a few seconds, he instantly lowered his gavel and declared that the meeting would move to the General Assembly. The confusion was total. Several delegates seemed unaware of what had just happened; had they just agreed to the report or did Kerim adjourn the meeting without any results achieved?

### **Monday Evening**

After an hour of further deliberations, Kerim announced that he had taken ownership of the process again, and urged delegations to adopt both report and amendments by consensus, as orally corrected.

With the following adoption of the report (A/AC.247/2008/L.1/Rev.2), Member States decided, among others, to "continue immediately to address, within the Working Group, the framework and modalities in order to prepare and facilitate intergovernmental negotiations" on the question of reforming the Security Council."

It was further decided, "to commence intergovernmental negotiations in informal plenary of the Assembly during its sixty-third session, but not later than 28 February 2009, based on proposals by Member States, in good faith, with mutual respect and in an open, inclusive and transparent manner, on the question of equitable representation and increase in the membership of the Security Council and other matters related to the Council, seeking a solution that can garner the widest possible political acceptance by the membership."

The decision set out the following for the basis for the negotiations: the positions and proposals of Member States, regional groups and other Member State groupings; the five key issues; categories of membership, the question of the veto, regional representation, size of an enlarged Council and

working methods of the Security Council, and the relationship between the Council and the General Assembly; the report of the Working Group on its work during the sixty-first session of the General Assembly; and General Assembly decision 61/561 and the report of the Working Group on its work during the Assembly's sixty-second session.

Thus, the membership agreed to especially three major changes to the final wording of the amendment: 1. In section C, the deadline would be 1 February 2009. 2. In section D, the words "taking into consideration the results of the Open-ended Working Group," would be added in the first line instead of "taking note." 3. In section D, the deadline would be 28 February 2009.

According to the Associated Press of Pakistan diplomats from the UfC-bloc did not appear to be fully satisfied with the outcome. However, they noted that the report had validated the position they had taken in 2005 when the process began that the council's expansion should come through a negotiated solution, not by voting which would only divide the membership.

Several other delegates described the agreement to Reuters as "historic," saying it greatly increased the likelihood of larger and more representative Council representing the world of the 21st Century. "It means that we are now moving from discussion of procedure into discussion of substance," said British Ambassador John Sawers.

*\*This article is meant as an analysis and update of some of the main ideas discussed during the meetings and does not represent a complete and official account of all positions expressed by Member States. Unless attributed to a specific source, all expressions of opinion in this analysis are those of the author. The Center for UN Reform Education does not endorse any particular reform proposals*