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Member States Discuss Security Council Reform Again: A Never-Ending Process?

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The Open-Ended Working Group on the Question of Equitable Representation on and increase in the Membership of the Security Council and Other Matters Related to the Security Council (OEWG) met on Thursday 10 April 2008 to discuss a draft reform proposal put forward by Cyprus at the initiative of Germany on 20 March 2008. The text was an attempt to infuse new momentum in the slow-going debate, but was almost certainly “killed off” by heavy criticism from especially the Uniting for Consensus bloc (UfC) and a large portion of developing countries. The following is an analysis of the current developments.

Thursday’s meeting was convened by the Chairman of the Working Group and President of the General Assembly, Sgrjan Kerim to allow the membership to comment on a draft reform proposal put forward by Cyprus on 20 March 2008. The text proposed adding seven new members to the Security Council, with two of the new seats allotted to Africa, two to Asia, one to Latin America and the Caribbean, one to Western Europe and one to Eastern Europe. The membership terms would be left open for further negotiations, but the listed options ranged from permanent to semi-permanent membership to the standard two-year elected membership. According to the Cypriote Ambassador the text was a direct response to Kerim’s call for movement in December 2007, and was put together during an “overarching process,” at the initiative of Germany. The drafting group consisted of six states - Cyprus, Germany, Malaysia, Netherlands, Romania, and the UK - but the overall consultation process had been open to all Member States and had gathered more than 40 states at meetings throughout the winter and early spring.

Although it was left to Cyprus to present the final draft, Germany had made no secret of its desire to see prompt movement on the issue. In this regard, the draft was largely an attempt to formulate a basic negotiable text so that Member States could get started on actual intergovernmental negotiations with a view to achieving an agreement before the end of the 62nd General Assembly session in September 2008.

Nevertheless, the Cyprus text was off to a bad start, as Italy and the African Union earlier presented letters to Kerim outlining their critical views of the “overarching process” and its potential outcome.

In the day-long meeting last Thursday, almost 70 Member States spoke on the issue, and as always the statements reflected the continued complexities of the subject.

In his opening remarks, Kerim announced the addition of Ambassador Roble Olhaye of Djibouti to his Security Council Reform Task Force, which already consists Ambassador Heraldo Muñoz of Chile, Ambassador João Manuel Guerra Salgueiro of Portugal, Ambassador Ismat Jahan of Bangladesh and himself, and reminded the membership that “any successful reform must accommodate the interests and concerns of all sides, especially those who are

currently underrepresented, and consequently requires compromise by all.” Finally, he noted that “Member States should refrain from steps which could serve to undermine the current momentum and consensus to continue a process with the intention of achieving result oriented solutions.”

In the subsequent comments from Member States, positions largely fell into the following categories:

First, one faction led by **Cyprus** and **Germany** said that the “overarching process” was by no means a unilateral exercise (at the moment the G4 looks more like a G3, with only Germany, Japan and Brazil. India seems to be considering its position). All Member States had been invited and the text sought to reflect the main stakeholders’ positions. The aim was to achieve a document that would address both expansion and reform of the working methods in a pragmatic fashion, based on an intermediate solution. In the words of the German Ambassador, the negotiables of the text resembled bricks on a construction site. The building blocks are all there, but the final product will only be visible once all of the bricks have been put together. The document was not meant as an exhaustive and final draft, but as a basis for further negotiations that hopefully could spur some movement in the process. The countries also urged Kerim to either have a report of the Task Force ready within a certain deadline or appoint a set of negotiators that could work on his behalf.

Other countries expressing support for the Cyprus text included the **Netherlands, Liechtenstein, Finland** (on behalf of **Sweden, Denmark, Iceland and Norway**), **France, United Kingdom, Romania, Japan, Brazil, Belgium, Viet Nam** and **Switzerland**. Although not all these states share the same views on Security Council reform - Liechtenstein for instance was very vocal in calling for an independent reform process on working methods, while the Netherlands interestingly suggested that the Task Force begin by looking at the review clause – they share a common belief in the text as a basic starting point for negotiations.

Second, **India** noted that they continue to disfavor an interim solution as suggested in both the Cyprus text and in last year’s facilitators’ reports. Ambassador Nirupam Sen said that “...the interim solution is not a solution but a problem, not a structure but gerrymandering; talking of overarching groups, it is not an arch for throwing bricks in the air and hoping that they will hold like a rainbow,” and he continued saying that “...the Task Force should be requested to quickly integrate the various options conveyed to the PGA through the different letters, keeping in mind the overriding mandate of UNGA decision 61/561 to include the positions of and proposals made by Member States. This should then be presented to the informal GA plenary. We also reiterate the following concrete elements on negotiables that could form the basis for inter-governmental negotiations at the informal GA plenary: Expansion in both permanent and non-permanent categories Greater representation to the developing countries Representation to the developed countries, reflective of contemporary world realities Comprehensive improvement in the working methods of the Security Council, including ensuring greater access to island and small states Provision for a review.” Finally, the Ambassador noted that a reform of the working methods could only succeed if linked to the overall expansion debate.

These views from India were to a large extent supported by a number of smaller states, including **Mauritius, Saint Vincent and the Grenadines, Jamaica, Cuba** and **Cape Verde**.

Third, a group of states belonging to or sympathizing with the UfC argued that “the overarching process” was a unilateral attempt to establish an alternative forum for discussion outside the Working Group. Concurring states included **Italy, Spain, Pakistan, South Korea, Mexico, Colombia, Indonesia** and **Egypt**. Although they supported an interim solution, the Cyprus text should be disregarded, in their view, as it was produced outside the General Assembly mandated forum, and they further remarked that the Working Group first and foremost should establish a framework for further consultations, based on last year’s

facilitators' reports, instead of starting negotiations on the basis of the Cypriot text. The proposed framework would consist of three points:

- “1. Objective: Member States would reach general agreement on an “intermediate” solution on the basis of paragraph 9 of the Report of the Five Facilitators.
2. Modality: Transparent and open consultations and intergovernmental negotiations within the OEWG to achieve a general agreement.
3. Next Steps: Further informal consultations to first identify “negotiables”; and second, elaborate a paper to serve as a basis for intergovernmental negotiations.”

Egypt said that the Cypriote text was a step in the wrong direction, and the Pakistani Ambassador noted that any building needs a proper architecture before construction can begin.

Fourth, **DR Congo** spoke on behalf of the African countries, which maintained their principled insistence on adding two permanent seats from Africa with the right of veto as well as five non-permanent seats to the Council, as confirmed in the Ezulwini Consensus and in the Sirte Declaration.

Fifth, a group of permanent members of the Security Council mainly spoke on maintaining the efficiency of the Council. **Russia** noted that the compact nature of the Council must be preserved, **China** added that the developing world deserves better representation, while the **United States** said that permanency must be chosen on a country's contribution to global peace and democracy and not size, that other UN reforms are equally important, that reform of the working methods would not be useful to look at this moment, and that the Working Group should be the only forum for discussions.

After the Meeting

The meeting seemed to do little to break the current deadlock. Several of Thursday's interventions only marginally differed from those of December 2008, and one ambassador even repeated the same worn-out jokes. To many in the conference room, it appeared as just another day in the “Security Council reform grind,” leaving the German diplomats looking rather deflated and frustrated.

This had to a large extent been anticipated by observers that viewed the German/Cyprus draft as too brash and pushy. Diplomats close to the UfC remarked that the text had been rushed through the system by a German delegation eager to produce tangible results. In their view, informal consultations on both framework and modalities should have been allowed to continue in the hallways of the UN. Coming forward with a controversial and divisive text would only produce knee-jerk reactions in capitals and result in nothing more than instantaneous dismissal.

Some diplomats also claimed that German efforts to include skeptical African countries in the “overarching process” had somewhat failed, resulting in a backlash from those states not completely on board with an intermediate solution. A few independent observers noted that although the countries in the “overarching process” all agreed to an “intermediate solution,” this had by no means been the case with the rest of the membership. And the observers wondered aloud why the Germans had insisted on including this notion as a *fait accompli* and not in negotiable brackets. Something that obviously alienated quite a few countries from the developing bloc as well as India, which should sound the alarms in Berlin.

The statement delivered by the General Assembly President must have been another cause of concern for the German bloc. According to one insider, Kerim's statement reflected a

decidedly more careful approach compared to the meeting in December, in which he had urged the membership to take control and work both inside and outside the Working Group. In an [encounter with the press](#) after Thursday's meeting, Kerim highlighted that Council reform must have "a more profound meaning than just enlargement." Diplomats close to the Cyprus text expressed disappointment by this comment, viewing it as a step back from last year's commitment to search for an agreement on expansion by the end of this General Assembly session.²

Next move

To a large extent the process is once again stuck. The Cyprus text was an attempt to get the debate back on its feet, but instead the sponsors – lead by Germany – came out with more new questions than answers. To the despair of many, the General Assembly President does not seem inclined to help the process get back on track. But to be fair, Kerim is being pulled in opposite directions by the many factions. No matter what road he chooses, he will likely be met by an angry mob of Member States.

The hopes by countries sympathetic to the German/Cyprus efforts for an early Task Force report or even actual negotiations seem to be almost certainly dashed, and Germany and its supporters must rightly be concerned about the lack of progress. At the moment, the Cyprus text is very much hanging on by a thread and not even a speedy report of the Task Force may be able to save it.

Diplomats close to the UfC have previously said that not much would happen in 2008 - especially if Germany came forward with a draft - and this faction must undoubtedly be pleased by their collective charge against the text. The UfC effectively finished it off and scored a notable victory. However, by failing to submit a proposal of their own, the faction unfortunately also opened itself up to allegations of being "spoilers." Some observers noted that it would have been prudent for the UfC to have submitted more than a brief outline in their letter to Kerim on 5 March 2008, such as an actual constructive proposal or text for a framework to move the process forward.

The Cyprus text is currently in the hands of the Task Force, but is not expected to survive in any recognizable form. The UfC is in close consultations with the Task Force, and a completely revised text will probably come out in the near future, though it is not yet clear when this will happen.

In any case, movement could also come from an unexpected side. With the change in the G4 dynamics - leaving the group looking more as a group of three - India could be tempted to once again introduce last year's unsuccessful L69 proposal - albeit in a slightly modified version - in the Working Group. On Thursday, the African group kept its statement brief and centered on its well-known position. Nonetheless, one African ambassador previously told the Center that the African permanent representatives could negotiate the Ezulwini Consensus, but that they are looking for someone to come forward with a proposal that would offer a sufficiently good basis for negotiation. Obviously the German/Cypriote effort did not do the trick, but an Indian proposal perhaps could if a revamped L-69 draft includes language interesting from an African perspective.

The African leaders are expected to discuss the issue again in June at an AU summit, and if India could get the support of Africa, much could be gained in their favor. It is doubtful that such an attempt would ultimately garner sufficient support among the membership, but there is no doubt that it would alter the composition of the familiar factions, and make for a very interesting summer.

Notes:

1. Please see the publication “Managing Change at the United Nations” for a detailed outline of the history of Security Council reform.
2. One diplomat remarked – and this is to our knowledge totally unsubstantiated by facts and highly controversial – that Kerim probably seeks a UN position once his term is over and therefore does not wish to alienate any country by being too forceful.

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**This Reform Watch is meant as an analysis and as an update of some of the main ideas discussed during the meeting and does not represent a complete and official account of all positions expressed by Member States.*