



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

20 April 2007

Excellency,

I have the honor to transmit to you, herewith, the Report of the Facilitators 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.

These consultations represented a genuine attempt to assess the state of affairs concerning the longstanding issue of Security Council reform. The outcome of these consultations should help to maintain the momentum on Security Council reform in order to reach the broadest possible agreement on this important matter. The report contains a section "Notions on the Way Forward" that outlines a number of possible scenarios that Member States could take into account during forthcoming consultations.

The report emphasizes that Security Council reform is an integral part of the United Nations reform process; that maintaining the status quo is not acceptable; and, that flexibility by all Member States is key in order to achieve tangible results. Moreover, the report stresses the need to enhance Member States' access to the Council, both in terms of increasing their chances to serve as members and, while not a member, to increase their involvement in the Council's work. The report also underlines that enlargement should address the under-representation of developing countries as well as small States. It further highlights that enlargement and working methods are intertwined and need to be dealt with in a comprehensive manner; and, that under any scenario continued efforts should be made to improve the working methods of the Security Council.

All Permanent Representatives and
Permanent Observers to the United Nations
New York

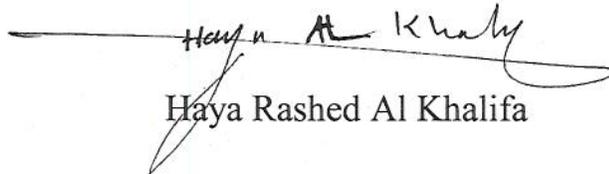
In view of the current status of the reform process, the report invites Member States to explore new and emerging ideas as a means to move forward through a result-orientated process over which Member States should have collective ownership.

Against this backdrop, I share the Facilitators' view that there is a path forward that Member States can build on taking advantage of the current momentum. I therefore invite you to give particular attention to the section "Notions on the Way Forward" in order to have a focused and productive discussion.

I would like to take this opportunity to express my sincerest appreciation and gratitude to the Facilitators, Their Excellencies Ali Hachani, the Permanent Representative of Tunisia; Andreas D. Mavroyiannis, the Permanent Representative of Cyprus; Mirjana Mladineo, the Permanent Representative of Croatia; Heraldo Muñoz, the Permanent Representative of Chile; and, Frank Majoor, the Permanent Representative of the Netherlands, for their dedication and for the skillful manner in which they have conducted these inclusive and transparent consultations on Security Council reform during the past three months.

Finally, I have requested unofficial translations of the text in all other official languages, in order to enable all delegations to make an in-depth review and consideration of the report. These should be ready by Wednesday, 25 April. To give Member States sufficient time to reflect on the report and, as appropriate, receive guidance from their respective capitals I intend to convene an informal meeting to discuss the report on Thursday, 3 May 2007.

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


Haya Rashed Al Khalifa

**REPORT OF THE FACILITATORS
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
19 April 2007**

I. INTRODUCTION

The question of equitable representation on and increase in the membership of the Security Council was first introduced in our agenda in 1979, during the thirty-fourth session of the General Assembly. At its forty-eighth session the General Assembly adopted resolution 48/26, of 3 December 1993, by which it decided to establish 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*.

After more than a decade of intensive discussions on this important matter, both in the General Assembly and within the *Open-ended Working Group*, no concrete result has been achieved thus far.

At the 2005 World Summit, stressing the need to complete Security Council reform - as an essential element of our overall effort to reform the United Nations – Heads of State and government expressed support for early reform of the Security Council, in order to make it more representative, efficient and transparent, and to further enhance its effectiveness and the legitimacy of its decisions.

On 11 December 2006, when opening the plenary debate on Security Council reform, the President stated that after many years of inconclusive debate the time had come to make a realistic assessment of the whole issue; and to be prepared to look at this matter with a fresh and open mind if the General Assembly were to make substantial progress.

Against this backdrop, in her letter dated 24 January 2007, the President of the General Assembly invited the membership to start consultations around five key issues, namely: *categories of membership; the question of the veto; the question of regional representation; the size of an enlarged Security Council; and, the working methods of the Security Council and the relationship between the Security Council and the General Assembly*. Subsequently, on 8 February 2007, the President of the General Assembly appointed five facilitators in their individual capacity to assist her during the consultation process on the five preceding issues respectively: H. E. Mr. Ali Hachani, the Permanent Representative of Tunisia; H. E. Mr. Andreas D. Mavroyiannis, the Permanent Representative Cyprus; H.E. Mrs. Mirjana Mladineo, the Permanent Representative of Croatia; H. E. Mr. Heraldo Muñoz, the Permanent Representative of Chile; and, H. E. Mr. Frank Majoor, the Permanent Representative of Netherlands.

The President of the General Assembly mandated the five facilitators to conduct open, transparent and inclusive consultations with a view to making the most accurate possible assessment on the state of play on Security Council reform, for the purpose of establishing the appropriate process which would enable the General Assembly to fulfill the challenging task of reforming the Council.

Furthermore, the President requested the five facilitators to prepare a consolidated report on the result of their work, in order to allow the membership to have an informed follow up discussion on the way forward.

From 20 to 23 February 2007, the facilitators held a series of six informal meetings. The facilitators also convened an informal interactive panel discussion on 13 March 2007. These informal meetings, which took place in the framework of 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, provided the Member States with opportunities to comprehensively discuss all related aspects of the reform of the Council while focussing on each of the five aforementioned main issues identified by the President of the General Assembly.

In addition, the five facilitators conducted, separately or jointly, wide-ranging consultations and met with individual States and various groups of States. These contacts also allowed them to interact with delegations which did not participate in the open-ended informal meetings so as to take the fullest possible account of the views of all Member States.

The purpose of this report is to provide the President of the General Assembly with the outcome of the consultations the facilitators carried out over the past three months. The report includes a descriptive annex that gives an account and assessment of the views expressed by Member States on the different issues under consideration, and a more analytical part providing a number of notions on the way to move the process forward. The annex contains largely the evaluations of each facilitator responsible for his/her respective theme. The section "Notions on the Way Forward" reflects the common views of the facilitators. The facilitators hope that Member States would, in the next stage of the process, give special attention to the Notions on the Way Forward presented in this report.

II. Notions on the Way Forward

As stated in the introduction, the facilitators, guided by the President of the General Assembly, undertook an inclusive process of consultations to elicit an accurate reflection of the positions and suggestions of the membership on the main questions regarding Security Council reform. Based on those consultations, as well as on the assessments contained in the annex, below are a set of notions of reform that may serve as a framework for result-oriented negotiations, a process over which Member States should have collective ownership.

The objective of the facilitators was to map out what seems most feasible at this stage, so that Member States themselves might proceed to work out all possible configurations guided by the notions identified below as prospective ways of moving forward.

1. Security Council enlargement is an integral part of the United Nations reform process. Member States consider that the United Nations reform would be incomplete without meaningful Security Council reform. Maintaining the Status quo is not acceptable to an overwhelming majority of Member States that feel that the current situation should be improved.
2. Flexibility is key in order to move forward on Security Council reform; but flexibility must be effectively shown and shared by all concerned. A significant number of Member States tend to agree that their ideal solution may not be possible at this stage, and believe that it may be more reasonable to consider the best possible substantial solution for now.
3. The positions of the major interest groups, well-known to the membership for some time, are not likely to be fully realized at this stage. It was encouraging that, in order to move forward with the process and despite the reiteration of initial positions, flexibility was displayed in the form of willingness to explore a viable compromise solution.
4. The General Assembly should opt for a Security Council reform formula that can garner the widest possible political acceptance by the membership, and in any case, well above the required majority in the General Assembly, including the acquiescence by the current permanent members of the Council, bearing in mind the ratification process of any amendment to the Charter as stipulated in its article 108.
5. Any achievable solution must address the concerns of the wide majority of United Nations Member States aimed at enhancing their access, both in terms of increasing their chances to serve as members of the Council and by being more intensively involved with its work while not a member. Especially the second element was a source of concern for small States and for those who have an item inscribed on the Council's agenda.
6. Enlargement and working methods need to be dealt with in a comprehensive manner. They are closely linked and reform will be incomplete without either one. However, in any scenario, continued efforts should be made to improve the working methods.

7. Expansion needs to be based both on Member States' contribution to the maintenance of international peace and security and to the other purposes of the Organization as well as equitable geographical distribution, as stipulated in the Charter. Maintaining the current regional groups, any enlargement should address the under-representation of developing countries as well as small States. The wide diversity in the membership of the Organization might be taken into account.

8. Under the present state of affairs, Member States, while retaining their initial positions, may wish to explore new and emerging ideas concerning a transitional approach to Security Council reform. A transitional approach assumes an intermediary arrangement and should have as an integral component a mandatory review to take place at a predetermined date. Within the transitional approach there are different options and variations that Member States may wish to further explore. The negotiables include the content and duration of the intermediary arrangement and the nature of the review. Issues on which Member States will not agree in the negotiations would have to be deferred to the review. Consequently, at this stage none of the stakeholders has to give up its original position.

9. As regards categories, the transitional approach, without prejudice to the prospect of creating new permanent seats, could explore the creation of new non-permanent seats as well as an intermediate category. Member States may wish to consider, among others, the following variations of an intermediate category;

- Extended seats that could be allocated for the full duration of the intermediary arrangement, including the possibility of recall.
- Extended seats, which would be for a longer period than the regular two-year term, but with the possibility of re-election. The length of the terms as well as the re-election modalities should be decided in negotiations.
- Extended seats, which would be for a longer period than the regular two-year term, but without the possibility of re-election. The length of the term should be decided in the negotiations.
- Non-permanent two-year seats with the possibility of immediate re-election.

10. Regarding the veto, some Member States favour and some oppose its elimination; some demand and some oppose its extension. Therefore, as a definitive solution might not be feasible at this stage, Member States may wish to address this question within the framework of the review.

In the meantime, Member States may wish to consider forms of limitation in the use of the veto. These might include, among others:

- Ways of enhancing accountability for the use of the veto.
- Limitations of the scope of application of the veto.
- Individual or collective pledges to refrain from its use in certain instances.

11. Regarding regional representation, in the sense of Member States representing regional views, the notion of accountability, both in the election process and while serving in the Council, might be explored. To take into account this aspect, the following ideas could be considered:

- Future candidatures to the Security Council could be proposed directly by Member States or through regional consensus, it being understood that the final decision is to be taken by the General Assembly through the election process as set out in the Charter.
- Elected Members of the Council should be deemed, if they so wish, to also represent, through internal arrangements, the views of the groups to which they belong while continuing to act in accordance with the purposes and principles of the United Nations.

12. As regards the question of the expansion of the size of the Security Council, Member States may decide to consider the following options:

- A limited expansion, believed to be supported by those Member States particularly concerned about the efficiency of the Council.
- A large expansion, believed to be supported by those Member States particularly concerned about the Security Council's representativity
- A medium-size expansion that could reconcile the concerns of those who argue for an efficient Council with the views of those who underscore its representativity.
- A limited expansion in a first stage and a further expansion in the framework of the review.

13. Any reform scenario should enhance access for non-Council members by improving the working methods of the Security Council. Since any enlargement will only modestly improve the chances of individual Member States to become a member of the Council, better access for non-Council members is deemed an essential and integral part of a reform package. At the same time, improvement of the working methods can be seen as a continuous, dynamic process. At this stage, Member States may wish to consider the following options:

- Establishment of a mechanism ensuring that Member States whose interests are specially affected will be heard upon request in private meetings of the Council (more vigorous implementation of articles 31 and 32 of the Charter), and expansion of consultation and cooperation with regional organizations and countries in the region, not only in thematic, public meetings, but also in private meetings.
- Creation of additional opportunities for non-Council members whose interests are specially affected to be heard in the work of the subsidiary bodies; in case of resolutions that call into being far-reaching obligations of Member States, an extended consultation process could be established.

- Implementation of consistent consultations with potential Troop Contributing Countries in the early phase of a new operation, and regular substantive meetings during ongoing operations; Troop Contributing Countries and, as appropriate host countries, to be invited to private meetings of the Security Council in which the mandate of a Peacekeeping Operation is discussed.
- Increase in the transparency of the Council's work by: encouraging formal adoption of rules of procedure, stimulating thematic reports by the Security Council for discussion in the General Assembly and ensuring regular consultations between the Presidents of the principal organs on the implementation of the respective mandates, in accordance with the Charter.

III. Conclusions

The present report represents the facilitators' honest evaluation of the state of affairs on Security Council reform. It reflects months of extensive and inclusive consultations, where the facilitators carefully listened to the views and concerns of Member States. The facilitators have tried to make a fair assessment, as contained in the annex, of the different aspects related to the reform.

On the basis of the consultations and the assessment, the facilitators have prepared the above notions that Member States might want to further discuss in order to explore feasible solutions for the way forward, aimed at facilitating tangible progress on a key and integral component of United Nations reform. As such, an attempt has been made to identify new and emerging ideas that might be worth exploring. At the same time, as stressed before, the facilitators underline that Member States may wish to pursue other options. Those identified here are not necessarily exhaustive.

The facilitators trust that the report will contribute to productive further discussions in which Security Council reform can be brought to a next stage. This could include an agreement on a negotiating process that is conducive to timely decision-making. The facilitators believe that there is a path forward that Member States could build on towards meaningful negotiations, taking advantage of the current momentum. The reform process ahead needs to continue to be all-inclusive and transparent.

ANNEX

ASSESSMENTS ON CLUSTERS

Categories of Membership

The issue of categories of membership proved to be one of the key issues of the entire process. One of the main purposes of the facilitation was to explore whether innovative ideas heard during consultations could help to reconcile existing positions with a view of advancing the process. The following views were expressed during consultations:

- A large group of States continued to call for the enlargement of the Security Council in both categories of membership (permanent and non-permanent seats).
- A group of States, while defending an enlargement of the Security Council in both categories, is proposing that any new permanent seats holders enjoy all prerogatives of permanent members including veto right in case it is maintained.
- Another group of States reiterated its position seeking the creation of a category of membership which is of a permanent character but, at least initially, without exercising the veto. Addition of new non-permanent seats is also proposed by this group.
- A group of States reiterated its position of accepting enlargement only in the category of non-permanent seats, while considering that no initial positions should be pre-empted for any future discussions of the issue. The creation of only non-permanent seats is also considered by a group of States as a possible fall back position in case no other satisfactory solution is found.
- Some Member States encouraged the exploration of a sort of an “interim” or “transitional solution” based on a longer term renewability of seats. Likewise, other Member States expressed their readiness to explore a solution that would move the process ahead while enjoying broad acceptance.
- Some delegations, especially from small States, expressed the view that any solution should enhance their aspiration to serve in the Security Council.
- A large number of delegations expressed the view that there is a need for ensuring, in any expansion, a strengthened representation of developing countries and small states. A number of delegations stressed the need to take into account the wide cultural diversity within the international community.

- Some delegations expressed their wish to have the question of categories, as well as the other issue-areas ascertained through a “questionnaire” addressed to Member States.
- The notion of accountability, both at the time of election (art 23.2 of the Charter) and while serving in the Council (art 24.2 of the Charter) has been addressed by delegations in relation with categories of membership:
 - A group belonging to a specific region is of the view that this region would be responsible for the selection of its representative States in an enlarged Security Council, which would be accountable to it.
 - Other Member States expressed the view that accountability could be ensured through a process of “challenge” in a review mechanism.

Signals of flexibility were shown during the consultations: Despite the reiteration of initial positions, readiness for some flexibility was expressed by the main groups especially on the question of permanency:

- Delegations defending permanency would accept to submit the status of any new permanent seats to challenge.
- Delegations contesting the permanency would admit the possibility for a number of States to be in the Council for a longer period of time than that initially envisaged by the Charter.
- Members of a group of States, although remaining firm in their initial positions, expressed readiness to refer any new proposed elements regarding Security Council reform to their highest political authorities at the earliest possible opportunity.

The question of the veto

Given the sui generis character of the veto, the extent of member states’ flexibility and the scope of possible veto reform were explored through extensive bilateral consultations with a cross-regional sample incorporating small, medium-sized and large states, states having items on the Council’s agenda and the states currently holding the veto. Member states addressed the issue on two levels: ideal and attainable reform. The veto was criticised on various grounds by the significant majority of member states, many of whom relayed a perception at the same time that elimination is not realistic at this stage. Trends regarding the veto included the restriction of its use, prevention of its extension, resignation from its reform at this stage and extension of it to all permanent members so long as it exists.

In terms of restricting the veto, suggestions included limiting the instances where it can be used (e.g. to exclude instances such as genocide, war crimes, crimes against humanity), establishing criteria for when and in which situations the veto can be used,

formalising explanations for the use of veto, limiting the scope of application of the veto (either restricting it to Chapter VII decisions or disallowing its use in Chapter VI decisions), restricting its use to only vital issues, barring the veto where a permanent member is a party to a conflict, changing its weight (e.g. requiring two negative votes to reject a draft resolution), overruling it, and placing a cap on the total number of negative votes that can be cast by a permanent member.

Member states considered that extension of the veto pre-supposes agreement on the addition of new permanent members. Permanent members themselves did not rule out extending the veto, depending on the number of prospective new permanent members and which those would be. Their position ranged from offering qualified support to the G4 draft resolution, to being ready to add one or two new members to the P5 group and to extending the veto to a representative from a region currently without it.

Among states in support of expansion in permanent and non-permanent members, three tendencies were identifiable; a) the veto is a tool for inaction that does not contribute to the effectiveness of the Council and should not be extended to new permanent members, b) in principle extension of the veto, accompanied by a commitment not to use it until a future review, and c) automatic extension of the veto to new permanent members. The second option gathered the most support, also because it was expressed as a fallback position by many states supporting options one and three. For those supporting extension of the veto at this stage, the second option would provide future prospect to this end while for those supporting non-extension of the veto, the second option would satisfy their position now without pre-empting the eventual settlement of the issue.

The general perception of the permanent members regarding the veto, despite nuances on certain aspects of this issue, is that the veto is at the core and is the sustaining force of the system of collective security. It is considered inherently different from other elements discussed in the reform process, as it is the result of a political understanding that pre-existed the Charter and thus could not be reformed by the wider membership. Its reform could only be governed by the same historical rationale that initially brought it into being as a tool of restricting the scope of the collective security system according to their major policy considerations.

Permanent members recognized that the wider membership had concerns regarding the veto but did not consider it was misused; rather, they insisted that the veto is exercised with restraint. However, they did not exclude the prospect of finding ways amongst themselves to appease those concerns, including for most of them through a) a voluntary commitment in this respect or b) an oral understanding that permanent members would agree to a non-legally binding statement once the reform process has been agreed.

Despite nuances, permanent members alluded to the limits of what could be agreed vis-à-vis the veto. The latter's abolition or modification would not be ratifiable through Charter amendment. This includes legally-binding regulation of the veto or General Assembly guidelines on how to exercise it. General Assembly involvement in matters falling within what permanent members consider to be exclusive competence of the Security Council is

not amenable, nor is explanation of the use of veto before the General Assembly (the P5 consider the two organs to stand on equal footing). Most permanent members based their acceptance of enlargement and other reform of the Council on preserving the essence of their veto power.

The limited span between what the current holders of the veto could accept and what the wider membership is seeking prompted member states to contemplate the option of bypassing, at this stage, substantial veto reform while maintaining strong preference for the veto to be explicitly included on the agenda of a possible future review. The latter requires further exploration, as there does not seem to be across the board agreement on it. The assessment of the facilitator is that, although desirable for the majority of member states, veto reform alone might not be the single factor that will seal or break the reform deal at this stage, provided that the rest of the reform package will be substantial.

States that have thus far insisted on new permanent members obtaining the same rights and privileges as the incumbents, including the veto, were frequently mentioned as key to the process of Security Council reform. Such states, when consulted, reiterated their collective official position but appeared to be willing to consider alternatives on condition that those would be concrete and sufficiently attractive. While these states did not rule out the prospect of a provisional solution, it was quite clear that no definitive views could be provided by them on this level of consultation and at this stage.

Member states who addressed the use of the veto as a source of non-action on the part of the United Nations expressed varying views on whether and how this could be remedied. The mechanism created through General Assembly resolution 377 (V) was accepted as an alternative by some but deemed either ineffective and/or undesirable by others. No concrete suggestions were suggested on how the General Assembly might exercise a subsidiary role in those instances where the primary responsibility of the Council for the maintenance of international peace and security is not exercised because of a veto. Member states did however stress that the General Assembly should do more to fully exercise its competencies under articles 10-12 of the Charter, including by examining matters of peace and security, and calling on the Security Council to take relevant action. This could exhort the Security Council to take action on a situation, provide the viewpoint of the wider membership to the Security Council on a particular issue, and contain the veto through input that would deter its use. The awareness by the Security Council of the pronouncement of the General Assembly on a certain issue would make it difficult for the Council to subsequently ignore the collective will of the international community and be silent on account of a veto.

Through the above consultations it transpired that a pragmatic option concerning veto reform at this stage is the possibility of a pledge by the permanent members to exercise the veto with restraint. While this would not amount to a legally binding measure, some member states have indicated that this would have an impact in practical terms. It was reasoned that indirect limitation/regulation of the veto and the influence of permanent members could be achieved to some degree through the cumulative impact of reform. It was also suggested that enlargement itself amounts to a de facto limitation of the power

of the veto because permanent members will constitute less than 25% of the Council and the responsibility to block action through veto will be substantially heavier. As the veto is viewed as synonymous with P5 influence, it is particularly pertinent to note that the enhanced presence and voting might of members other than the P5 is believed by many to limit the influence of permanent members on decision making as well as decision-making that is exclusively power balance-driven. Lastly, it was suggested that the power stemming from possession of the veto (implicit veto) would diminish if the Council operated in a manner that allowed for less pressure to be exerted on non-permanent members.

The question of regional representation

There seemed to be a common understanding that the Security Council in its current composition does not reflect the geopolitical realities and thus needs to be adequately rebalanced.

- The majority of delegations were of the view that the rebalancing of the Security Council needs to be based on "the contribution to the maintenance of international peace and security and to the other purposes of the Organization", as well as on equitable geographical representation, as stipulated in article 23 of the Charter.
- Nevertheless, some delegations pointed out that additional objectives and measurable criteria had yet to be worked out to define the necessary capabilities of States relevant to the maintenance of international peace and security. Proposals included, *inter-alia*, the level of financial contribution to the United Nations, population, regional role and standing, size of military forces, as well as contributions to peacekeeping operations.

In the course of the discussion there seemed to be a two-fold understanding of the term "regional representation".

- Some delegations identified the term "regional representation" as identical to the "equitable geographical distribution" as contained in article 23.1 of the Charter.
- Other delegations expressed the view that the term "regional representation" should be understood as the regional seat leading to regional accountability. They argued that the notion of regional representation, in the sense of Member States representing regional views, could be explored further. Different options were suggested, such as candidatures to be proposed directly by Member States or through regional consensus, it being understood that the final decision is to be taken by the General Assembly through the election process as set out in the Charter. Another suggestion was that Members of the Council should be deemed, if they so wish, to also represent the views of regional groups to which they belong while continuing to act in accordance with the purposes and principles of the United Nations.

- However, a wide number of delegations felt that, at this stage, the non-permanent members of the Council, although proposed on a regional basis, could not represent their respective regions. Rather, as members of the Security Council, they should have a global accountability as well as an obligation to the international community as a whole.
- In addition, many delegations were of the view that the concept of the regional seat, given the different character of each regional group as well as the existing differences in their internal working procedures, was not feasible at this stage.

Although the composition of the existing regional groups was challenged in terms of not accurately reflecting geopolitical realities, there seems to be a wide understanding that the restructuring of the current system is not realistic. The majority is thus still of the view that the principle of the equitable geographic distribution should be exercised through the existing structures. Nevertheless, opinions varied on how to amend the situation, in particular with respect to defining the underrepresented.

The discussion brought out several interpretations within the category of the underrepresented. Accordingly, the underrepresented were classified in the following manner:

- Within the existing group arrangements, there was a general feeling that Africa, Asia and GRULAC were underrepresented. Some opined that the EEG was underrepresented as well.
- There was also a broad understanding that small and developing countries are underrepresented as a general rule. In addition, some delegations pointed out that small and developing countries from Africa, Asia and GRULAC were underrepresented in particular.
- Some delegations were of the opinion that there was a need for an enlarged Security Council to represent all cultures, religions and civilizations. In that respect, although various political organizations were mentioned as candidates for the Security Council seat, the majority of delegations argued it would contradict the intergovernmental nature of the United Nations and therefore proposed that their legitimate concerns should be accommodated through other means.

Bearing in mind the inseparable links between the *Regional Representation* cluster and those of *Size* and *Categories of Membership*, it might prove to be very difficult to devise any workable solution prior to the agreement on the number of seats to be distributed. However, since it can be argued that the notions of contribution to the maintenance of international peace and security and equitable geographical distribution constitute the fundamental elements of any future fair and just solution, they should be taken into account as a general principle during deliberations as well as at the early stages of the eventual future negotiations on size and categories.

The size of an enlarged Security Council

During consultations Member States agreed with an enlargement in the size of the Security Council. No Member State opposed expansion. Below, are some of the main opinions expressed by Member States in the consultations:

- The size of an enlarged Security Council cannot be judged in isolation from other conditioning issues, such as equitable regional representation and the categories of membership. Determining the size of an enlarged Council was guided, for example, by the aspirations of regions to be satisfied with their representation, rather than a theoretical number decided a priori.
- Opinions as to the size of an enlarged Security Council vary. Many Member States gave specific preferred numbers, while others expressed that they are open to suggestions, some of them provided that additional considerations are taken into account.
- Some Member States expressed that among the main criteria that ought to be considered in determining the size of an expanded Security Council are equitable geographical distribution, enhanced credibility, efficiency and effectiveness of the Council. A number of delegations added criteria such as the financial and diplomatic contributions to the United Nations, as well as respect for democracy and human rights. Others prefer to adhere solely to the criteria enunciated in Article 23 (1) of the Charter, *i.e.* “due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.”
- The “efficiency” and “effectiveness” of an enlarged Security Council were considered by some delegations, particularly but not only permanent members of the Security Council, as paramount elements for a Council that is supposed to act swiftly in the face of crises. Other delegations argued that efficiency does not necessarily result from a reduced size, and that efficiency (or efficacy) could ultimately improve by enlargement in more representative higher numbers.
- Some Member States lamented the current configuration of regional groups, as not representative of like-minded States, but agreed, as most members did, that it would not be advisable to revisit existing regional groups, notwithstanding the wish expressed by some that an expanded Council should consider seats for small States or States of particular cultures and civilizations.
- A significant number of Member States, both developed and developing, from different regions, believe that the size of an expanded Security Council should

remedy the under-representation of developing countries, particularly from Africa, Asia, Latin America and the Caribbean.

- A number of delegations, while stressing that the Security Council should properly represent current world reality, expressed their desire to see an adequate correlation between the number of members in the Council and the membership of the General Assembly. They pointed out that the ratio between Security Council and the general membership of the U.N. was 21% in 1945 (a ratio of 1:5), 13% in 1965 (a ratio of 1:8) and less than 8% (a ratio of 1:13) at present.
- A limited expansion of seats has been advocated by Member States on grounds of efficiency and agility of the Council to confront crises. Other member States favor a larger expansion of seats based on representativity of the Council.
- In the view of some Member States, an increase in the number of seats, even if solely in the non-permanent category, would entail a re-balancing of the power structure within the Security Council. More members would require new higher proportions of votes to approve resolutions, as the weight percentage of permanent members would decline.
- While some Member States addressed the question of size from the perspective of a one-time expansion, some Member States felt that a Review Conference should revisit the issue of size in the context of a transitional approach.
- Despite the fact that views on the exact size of an expanded Security Council differ among Member States, they do not seem irreconcilable.

The working methods of the Security Council and the relationship between the Security Council and the General Assembly

A wide majority of Member States felt that the working methods are an essential and integral part of Security Council reform. Some Member States opined that expansion and working methods should not be seen as inseparable. They argued that reform of the working methods, which would not require a Charter amendment, should be seen as a continuous process. Ultimately, a widely shared conclusion was that the working methods should be part of any reform package. If agreement on a package would not be attainable, efforts to reform the working methods could, and in the eyes of many, should still be continued.

- Some Member States offered another perspective on the relationship between the working methods and expansion of the Council. Many (smaller) Member States serve relatively sporadically on the Council, even in case of an expansion. For

those Member States, improved working methods, and thus better access as non-Council member to the work of the Council, is of essential importance.

- Member States alluded to the relationship of the Security Council with the General Assembly. Most Member States put this issue in the context of the so-called encroachment of the Security Council on the General Assembly. It was argued that this had much to do with the broadening definition of “security”. Working with this broad definition, the Security Council was increasingly discussing subjects that would, arguably, fall under the competence of the General Assembly. Most however felt that it was difficult to address this issue in the context of Security Council reform.
- As to the substance of the working methods, many Member States welcomed several initiatives that have recently been taken, such as the draft resolution by Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland (S5) and the recent Note by the President of the Security Council on working methods (S/2006/507). Many Member States saw as the central aim of improved working methods to ensure better access for non-Council members to the work of the Security Council. The access seemed to have distinct components: information, consultation and cooperation.
- With regard to access through information, Member States felt that timely and substantive information on the work of the Council would lead to more transparency. This would not only enable them to better follow the proceedings, but would also allow Member States to informally exert influence on the decision making process. Concrete suggestions that were made by Member States:
 - Better notification to all Member States of all Council meetings, including unscheduled meetings and early distribution of draft resolutions.
 - More frequent briefings by the President of the Security Council, as well as by the Chairmen of the subsidiary bodies. Distribution to all Member States of reports of the meetings of the subsidiary bodies.
 - Institutionalized periodic review of the implementation of Council mandates and decisions.
- On better access through consultations, Member States indicated an interest to have direct, real access to the Council in cases where their interests were specially affected, and in particular when they have an item on the agenda (both in open and private meetings). It was widely felt that this would increase the legitimacy of the Council’s decisions, without necessarily infringing on the prerogatives of the Council. Suggestions that were made:
 - A mechanism should be established to ensure that Member States whose interests are specially affected will be heard upon request in private meetings of the Council, as well as in the work of the subsidiary bodies.
 - Consistent consultations with potential TCC’s in the early phase of a new operation, with the participation of the host country, where appropriate, and regular substantive meetings during ongoing operations.

- As already stated, it was also argued that better access could be achieved by means of expanding on the mechanisms for interaction between UN bodies, most notably between the Security Council and General Assembly. Suggestions that were made:
 - The Security Council should issue special subject-oriented reports (article 24.3 Charter) for discussion in the General Assembly. This could include reports on the understanding of the mandate of the Security Council, e.g. what is the definition of “international peace and security”.
 - In addition to increased cooperation between the SC and GA, also a regularized, substantive dialogue should be established with ECOSOC, the Human Rights Council and the PBC (also on the implementation of the respective mandates).

As stated before, most Member States felt that measures as described above should be part of a reform package, that would eventually be voted on in the General Assembly. By and large, the permanent members indicated that they supported some level of reform of the working methods. Some of them stated that these measures should be adopted by the Security Council itself, and could not be ‘imposed’ by the General Assembly. This is a matter that would require further consultation.