

**REVISED ELEMENTS OF COMMONALITY
AND ISSUES FOR FURTHER CONSIDERATION
On the question of equitable representation on and increase in the
membership of the Security Council and related matters**

I. Background and Current Context

On 11 December 1992, the General Assembly adopted Resolution 47/62 on “Question of equitable representation on and increase in the membership of the Security Council”, by which it: “1. Requests the Secretary-General to invite Member States to submit, not later than 30 June 1993, written comments on a possible review of the membership of the Security Council; 2. Also requests the Secretary-General to submit to the General Assembly at its forty-eighth session, for its consideration, a report containing comments made by Member States on the subject; 3. Decides to include in the provisional agenda of its forty-eighth session the item entitled “Question of equitable representation on and increase in the membership of the Security Council”.

On 3 December 1993, the General Assembly adopted Resolution 48/26 on “Question of equitable representation on and increase in the membership of the Security Council”, by which it: “1. Decides to establish an Open-ended Working Group to consider all aspects of the question of increase in the membership of the Security Council, and other matters related to the Security Council; 2. Requests the Open-ended Working Group to submit a report on the progress of its work to the General Assembly before the end of its forty-eighth session; 3. Decides to include in the provisional agenda of its forty-ninth session an item entitled “Question of equitable representation on and increase in the membership of the Security Council and related matters”.

On 23 November 1998, the General Assembly adopted Resolution 53/30 on “Question of equitable representation on and increase in the membership of the Security Council and related matters”, stating that: “The General Assembly, Mindful of Chapter XVIII of the Charter of the United Nations and of the importance of reaching general agreement as referred to in resolution 48/26 of 3 December 1993, determines not to adopt any resolution or decision on the question of equitable representation on and increase in the membership of the Security Council and related matters, without the affirmative vote of at least two thirds of the Members of the General Assembly”.

“The World Summit Outcome Document of 2005” adopted by GA Resolution A/RES/60/1 reaffirmed Member States' commitment to strengthen the United Nations, with a view to enhancing its authority and efficiency, as well as its capacity to address effectively, and in accordance with the purposes and principles of the Charter. It supports in this context an early reform of the Security Council as an essential element of the overall effort to reform the United Nations to make it more broadly representative,

efficient and transparent and thus to further enhance its effectiveness and the legitimacy and implementation of its decisions.

On 15 September 2008, the General Assembly adopted Decision 62/557 on the “Question of equitable representation on and increase in the membership of the Security Council and related matters”, which stipulates: “To commence intergovernmental negotiations on Security Council reform in informal plenary of the General Assembly during the sixty-third session of the General Assembly, 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 on 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 Member States”.

Decision 62/557 also mentions that the Intergovernmental Negotiations on Security Council Reform (IGN) should refer to five key issues: categories of membership; the question of the veto; regional representation; size of an enlarged Security Council and working methods of the Council; and the relationship between the Council and the General Assembly.

The IGN officially started in early 2009, and has continued since then in informal plenary of the General Assembly.

During the GA 73rd session, the Intergovernmental Negotiations on Security Council Reform (IGN) built on the “informal meetings held during its seventy-second session and on the revised elements of commonality and issues for further consideration, circulated on 14 June 2018, as well as the positions of and proposals made by Member States, reflected in the text and its annex circulated on 31 July 2015, and using the elements of convergence circulated on 12 July 2016 and the elements of commonality and issues for further consideration circulated on 27 June 2017”, as stipulated by Decision 72/557 of 29 June, 2018.

Following the IGN GA73 meetings of 29-30 January, 25-26 February, 4-5 April, 1-2 May and 29-30 May 2019, the following updates were made to the revised commonalities and issues for further consideration related to all five key issues listed by Decision 62/557:

II. Commonalities

1. General

- a) The reform of the United Nations Security Council is in the interest of Member States and the United Nations system as a whole.
- b) The objective of reform is to make the Council more “broadly representative, efficient and transparent and thus to enhance its effectiveness and the legitimacy and implementation of its decisions”, as stipulated by “the World Summit Outcome Document”.

- c) The reform of the Security Council should reflect the realities of the contemporary world, especially the increased representation of developing countries, small and medium sized states.
- d) There is growing support by Member States for the legitimate aspirations of African countries to play their rightful role on the global stage including through an increased presence in the Security Council, as a priority, to redress the historical injustice against Africa.
- e) The reform of the Security Council is a Member States driven process.
- f) Reform of the Security Council shall ensure a transparent, efficient, effective and accountable functioning of the Council. Furthermore, the principle of democracy remains an important principle in Member States' efforts to reform the Council.
- g) To improve the prospects for early reform, a continued, substantive and enhanced engagement is of utmost importance.
- h) Although expressing different views on substance, Member States are driving the IGN process forward together, in accordance with the usual practices and procedures of the General Assembly.
- i) All five key issues are strongly interlinked and therefore negotiations should be based on the principle: "nothing is agreed until everything is agreed".
- j) The IGN process should build on the work done in previous years, so that convergence will increase gradually, with a view to garnering the widest possible political acceptance.

2. Relationship between the Security Council and the General Assembly

- a) The relationship between the Security Council and the General Assembly should be mutually reinforcing and complementary, in accordance with and with full respect for their respective functions, authority, powers, and competencies as enshrined in the Charter including in respect to matters related to international peace and security. In this regard, it is important to:
 - Ensure increased cooperation, coordination and the exchange of information among the Presidents of the Security Council and of the General Assembly and also with the Secretariat of the United Nations, in particular the Secretary-General,
 - Continue the practice of regular meetings between the President of the Security Council and the President of the General Assembly,
 - Strengthen the cooperation and communication between the Security Council and the General Assembly, in particular through the submission by the Security Council of annual reports of a more analytical nature and of special reports to the General Assembly, in full implementation of the relevant provisions of the Charter,
 - Improve the participation in and access to the work of the Security Council and its subsidiary organs for all members of the General Assembly, to enhance the Council's accountability to the membership and increase the transparency of its work, in particular through:

- Holding open sessions, open briefings and open debates,
 - Holding informal interactive dialogues and Arria-formula meetings and regular and substantive wrap-up meetings by the presidency,
 - Further enhancing consultations between Security Council and troop- and police-contributing countries throughout all phases of Council-mandated peacekeeping operations,
 - Increasing interaction between the Council and the subsidiary bodies of the General Assembly, including the Peacebuilding Commission,
 - Further enhancing the Council's interaction with specially affected Member States, in line with relevant provisions of the Charter,
 - Further strengthening cooperation with regional and sub-regional organizations and arrangements, inter alia the African Union's Peace and Security Council.
- b) Deliberations of the Ad Hoc Working Group on the revitalization of the work of the General Assembly (AHWG) including resolution 72/313 of 17 September 2018, should be taken into consideration in discussions on this key issue.

3. Size of an enlarged Security Council and Working Methods of the Council

The reform of the Security Council should lead to an expansion of the Security Council and therefore certain areas of working methods need to be addressed as a result of expansion.

Size of an enlarged Security Council

- An enlarged Security Council should consist of a total of members in the mid-20s, within an overall range of 21-27 seats, with the exact number to emerge from the discussion of Member States on the key issues of categories of membership and regional representation, and with the total size ensuring a balance between the representativeness and effectiveness of an enlarged Council.

(This would entail amendments to article 23 (1) and 23 (2) of the Charter of the United Nations.)

Working Methods of the Security Council

- Majority required for decision-making: the number of affirmative votes required should be in line with the current practice¹, with the exact number of votes required

¹ *Examples:*

- *If an enlarged Council consists of 21 members, 12 votes would be required*
- *If an enlarged Council consists of 22 members, 12 votes would be required*
- *If an enlarged Council consists of 23 members, 13 votes would be required*
- *If an enlarged Council consists of 24 members, 13 votes would be required*
- *If an enlarged Council consists of 25 members, 14 votes would be required*
- *If an enlarged Council consists of 26 members, 14 votes would be required*
- *If an enlarged Council consists of 27 members, 15 votes would be required*

to emerge from the discussions of Member States on the key issues of categories of membership, regional representation and the question of veto.

(This would entail amendments to article 27 (2) and 27 (3) and to article 109 (1) of the Charter of the United Nations.)

- In addition to the ongoing efforts of the Security Council towards keeping its working methods under consideration in its regular work, with a view to ensuring their effective and consistent implementation including of Note 507, the Security Council should be invited to consider the following measures in light of the increase in its membership:
 - o Adapting its working methods to ensure transparent, efficient, effective and accountable functioning of the Council,
 - o Adapting and reviewing the working methods of its subsidiary organs with a view to enhancing transparency, consistency and clarity,
 - o Ensuring the full participation of all members of the Security Council in its work, with special emphasis on encouraging greater participation of non-permanent members, including the opportunity to serve as penholders and to hold the presidency of the enlarged Security Council at least once during their tenure,
 - o Undertaking a revision of the Council's provisional rules of procedure to reflect these measures and further considering the formal adoption of its rules of procedure.

4. Categories of membership

In an enlarged Security Council, the expansion of the category of 2-year term non-permanent members is accepted by all Member States as part of a comprehensive Security Council reform. The Council's expansion in other categories (permanent, longer term seats, transitional options) remains to be agreed through negotiations by Member States.

5. The question of veto

The question of veto is a key element of Security Council reform.

6. Regional representation

- a) Enlargement of the Security Council should serve to improve the representation of underrepresented and unrepresented regions and groups.
- b) An increase in membership should allow for fair and equitable representation as well as cross regional balances, while maintaining an effective and operational character of the Council.
- c) Due attention has to be paid to the equitable representation of developing countries, small states, Small Island Developing States and Arab States.

- d) Africa should be equitably represented in a reformed Security Council.

III. Issues for further consideration

The list of issues for further consideration is not an exhaustive one.

1. General

- a) Taking into account article 23 (1) of the UN Charter, the degree to which Member States' contributions to the maintenance of peace and security should be reflected in the duration of their presence in the Security Council remains to be further explored.
- b) Member States continue to discuss how to take into account the principles of democracy and representation in pursuing the objective of a more democratic Security Council.
- c) There is overwhelming support by the majority of Member States for the Common African Position.
- d) Although a large variety of opinions on the Security Council's reform persist, particularly in relation to the following three clusters: categories of membership; the question of the veto; regional representation, many Member States express a desire to move to the next phase.
- e) In seeking to improve the working practice of the IG, possible ways of enhancing the institutional memory and working methods need to be further discussed.

2. The relationship between the Security Council and the General Assembly

Further ways to enhance the accountability of an enlarged Security Council to the UN membership and to increase the transparency of the Security Council's work in relation to the General Assembly are continuing to be explored, including through suggestions on timely, informed and meaningful discussions in the General Assembly of the annual report of the Council. The selection process of the Secretary-General could also be further explored as an example of cooperation between the Security Council and the General Assembly.

3. Size of an enlarged Security Council and Working Methods of the Council

- a) The appropriateness of the ratio between the number of Security Council members and General Assembly members as well as the number of non-permanent members and the number of permanent members continues to be discussed.
- b) In line with the element of convergence referring to the Presidency of the Security Council concrete ways to ensure non-permanent members hold the rotating presidency at least once during their tenure remain to be determined.
- c) While there is a convergence on the need to ensure a balance between the representativeness and effectiveness of an enlarged Council, Member States continue discuss different methods to ensure this.

- d) There is a need to regularly review the working methods of an enlarged Security Council and to adjust them as appropriate.

4. Categories of membership

- a) Member States express their preference for one or more of the following options, in a reformed Security Council:
- Enlargement of the Security Council in both the permanent and 2-year non-permanent categories;
 - Enlargement of the Security Council with 2-year term non-permanent members and creation of longer-term non-permanent seats with the possibility of immediate reelection;
 - Enlargement of the Security Council with 2-year term non-permanent seats.
- b) The UN Charter currently specifies only two categories (permanent and non-permanent), but GA decision 62/557 refers to “categories of membership”. The question of whether the creation of longer-term non-permanent seats, or possible permanent members without veto would classify as the creation of a new category or not remains to be explored.
- c) While bearing in mind the close connections between all five key issues, categories of membership might be discussed in parallel with regional representation, the size of the Security Council and the question of veto.

5. The question of veto

- a) More in-depth discussions are needed to explore how the veto would further impact the work and the effectiveness of an enlarged Security Council.
- b) The following options in regards to the veto are being discussed by Member States:
- In the case of enlargement of the Security Council in the permanent category:
 - o Extension of the veto to all permanent members; or
 - o No extension of the veto; or
 - o Extension of the veto to be decided on in the framework of a review.
 - Progressive restraint.
 - Abolition of the veto.
 - Opposition in principle to the veto, with the caveat that as long as it exists, it should be made available to all permanent members of the Security Council including any potential permanent members from Africa – based on the common African position reflected in the Ezulwini Consensus adopted by the African Union in March 2005.
 - Voluntarily refrain from the use of the veto in cases of mass atrocity crimes. Initiatives in this regard include the “Political statement on the suspension of the veto in case of mass atrocities” presented by France and Mexico during the

70th session of the GA² and the “Code of Conduct regarding Security Council action against genocide, crimes against humanity and war crimes”³ by the Accountability, Coherence and Transparency (ACT) Group.

6. Regional representation

- a) The appropriate ratio between the number of non-permanent members and the number of countries in regional groups continues to be discussed.
- b) The question of whether a country represents only itself in the Council, its region, or the whole of UN membership is being further clarified. Member States’ views on this issue differ depending also on the category of membership in question. The UN Charter, in article 24(1) states: “In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.”
- c) Member States express diverging views on the possibility of reflecting the increasing role of regional groups and regional organizations in international relations, particularly in the fields of peace and security.
- d) Further clarification is needed on the role of regional groups in selecting new members.
- e) The African Union reserves the right for the selection of Africa’s representatives in the Security Council, based on its criteria for selection, as reflected in the Ezulwini Consensus. Candidates would then be considered for election by the General Assembly.
- f) In relation with equitable representation, further clarification is needed on the concepts of “equitable geographic distribution” and “regional representation”.
- g) In relation to cross-regional representation, there are diverging views whether the allocation of new seats will be on the basis of the currently constituted regional groups or whether they should be reserved for cross-regional representation.
- h) More in-depth discussions are needed to clarify questions pertaining to cross-regional representation in an enlarged Security Council especially for small states, Small Island Developing States and Arab States.
- i) While bearing in mind the close connections between all five clusters, discussions on regional representation will impact the discussions on the size of the Security Council and categories of membership. For example, Africa’s demand for equitable representation is inseparably linked to categories of membership and the question of the veto, as reflected in the Ezulwini Consensus.
- j) In seeking a solution that can garner the widest possible political acceptance by Member States for an enlarged Security Council, ways should be sought to ensure consistency between the principles listed in paragraph II.1.d. with article

² A/68/PV.5

³ A/70/621

23 (1) of the UN Charter which refers 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”.

k) Members States express different views with regard to the distribution of additional seats among the regional groups. Many Members States stress the close interconnectedness between adequate regional representation and the categories of membership as well as the question of the veto. Views include, but are not limited to:

- In case of expansion of non-permanent seats, including with a longer term, some Member States proposed:
 - o African States: 3 longer-term seats; Asia-Pacific States: 3 longer-term seats; Latin American and Caribbean States: 2 longer-term seats; Western European and Other States: 1 longer-term seat; Eastern European States: 1 two-year term seat; Small States, including Small Island Developing States [SIDS]: 1 two-year rotating seat across all regions.
- In case of creation of longer term non-permanent seats, some Member States proposed:
 - o New longer term non-permanent seats with a term length of 8 or 10 years to be equitably distributed for: African States: 2; Asia-Pacific States: 2; Latin American and Caribbean States: 1; Western European and Other States: 1.
 - o Together with additional two-year non-permanent seats: for African States: 2; Asia-Pacific States: 1; Eastern European States: 1; Latin American and Caribbean States: 1.
- In case of expansion of both permanent and non-permanent seats, some Member States proposed:
 - o New/ Additional permanent seats for: African States: no less than 2 or 2; Asia-Pacific States: 2; Latin American and Caribbean States: 1; Western European and Other States: 1; Arab States: 1.
 - o Additional two-year non-permanent seats for: African States: no less than 2, 1, 1-2, 2; Asia-Pacific States: 1; Eastern European States: 1; Latin American and Caribbean States: 1; Western European and Other States: 1; Small Island Developing States [SIDS] across all regions that contain SIDS: 1; Arab States across regions: proportionate representation.