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**REPORT OF THE CHAIRPERSON OF THE COMMITTEE
OF TEN ON THE UN REFORMS**

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SUMMARY

The reporting period 30 January – 20 June 2011 has been characterized by developments that seem to have a dampening effect on decisive progress in the reform process.

The Rev.3 document together with a “user friendly” guide produced by the Facilitator and which was the subject of discussions at the Seventh exchange of the Intergovernmental Negotiations held on 2 March 2011, seem to be a contributory factor to the present slow pace in the progress of the negotiations.

The revised text together with the shorter document received mixed reactions from the membership with some welcoming it, whilst others expressed dissatisfaction on the grounds that it was not the outcome of a member States driven process as required by Decision 62/557 and could therefore not be the basis for negotiations, and that in any event, had the potential to distort, misrepresent and misinterpret positions.

The absence of an agreed roadmap on the process together with the lack of political will towards consensus building on substantive issues seem to be another contributory factor to the present state of affairs. This perhaps explains the emergence of initiatives in the form of Draft resolutions by various interest groups anxiously desirous of moving the process forward to their advantage: namely the G.4 (Brazil, Germany, India and Japan) proposal on the enlargement of the Council in both the permanent and non-permanent categories and improvement in its working methods; and the Small Five (S-5) proposal on the Working Methods of the Council. The L-69, a select cross-regional grouping or a coalition of diverse interest groups, from Africa, Asia, Latin America and Caribbean States, and the Pacific Small Island States have been actively engaged in canvassing and promoting support for the G.4 proposal.

Both the G-4 and S-5 proposals contradict procedurally and substantively, for example in terms of sequencing of the negotiable clusters, General Assembly decision 62/557 adopted by consensus, and this decision continues to be the basis and lodestar of the Intergovernmental Negotiations on the reform of the Security Council. The proposals are also inconsistent with the comprehensive and package deal approach of the process and are considered to be based on a “piecemeal” approach, which might potentially tend to prejudice and undermine the pursuit of the goals and objectives set out in Ezulwini Consensus and Sirte Declaration.

The compiled text within the framework of the Intergovernmental Negotiations is an important tool for Security Council reform. However, a concerted effort by all Member States is required to agree on how to use the compiled text in order to advance the progress of the negotiations and to generate the necessary political will to reach a compromised and comprehensive solution leading to agreed substantive principles on the negotiables.

As the demand for Africa to be considered as a special case gains momentum and the emergence of a unanimously expressed common will to “correct first the injustice” done to the African continent by its non-representation in the permanent category and its underrepresentation in the non-permanent category in the Council, so is the need to patiently and effectively intensify efforts in advocating, canvassing and promoting the African common position for it to garner the widest possible political acceptance. Africa should therefore, continue to speak cohesively with one voice and to reject any proposal that has the potential to undermine its core demands and/or to split its rank.

The President, of the General Assembly is determined that progress on the reform process should be made during his presidency. The C-10 has learnt informally that he has constituted a “group of friends” with the specific mandate of moving the process forward. It is necessary to wait and see how this will impact on the role of the Facilitator and on the need to maintain impartiality and neutrality to any of the positions on Council reform by both the President and the Facilitator.

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I. INTRODUCTION

1. The present report is submitted pursuant to African Union Summit Decision Assembly/AU/Dec.349 (XVI) during the 16th Ordinary Session of the Assembly of the African Union held in Addis Ababa from 30-31 January, 2011.
2. The report covers the period 30 January 2011 to 20 June 2011.

II. RECENT DEVELOPMENTS

3. Since our last report dated 12 January 2011, some important developments have taken place on the reform of the United Nations Security Council and other related matters which have impacted on the reform process and the way forward for the Intergovernmental Negotiations. Some of these developments include, the arrangement of Rev. 3 together with its 'operational tool' as put forward by the Facilitator H.E. Ambassador Zahir Tanin and the palpable need for an agreement on the process on the one hand; and attempts by groups of member states on the other, to come up with proposals in the form of draft resolutions on select aspects of Security Council reform, which depending on the quantum of support received from the membership, may end up being tabled in the General Assembly.

The Intergovernmental Negotiations

4. Under cover of a letter dated 31 January, 2011, the Facilitator forwarded to all delegations, proposed Rev. 3 together with a "user friendly guide", which he referred to as an "operational tool". The document received critical responses from a good number of delegations including some members of the P.5, China and Russia in particular, and the C-10 for and on behalf of the African Group.
5. China by a letter dated 1 February 2011, expressed concern that the proposed Rev. 3 and its 'operational tool' in particular, were not the outcome of a member states driven process as required by decision 62/557, the lodestar of the intergovernmental negotiations; and that though the documents could serve as an important reference in facilitating the participation of member states in the intergovernmental negotiations, they could not be the basis for negotiations. The documents ought to reflect the whole picture of the positions and respect the positions of member states in their entirety. Streamlining of the text according to China, would not help bridge differences in positions but rather lead to more problems. China therefore opposed the proposed Rev.3 on the grounds that reorganizing or summarizing positions and proposals without the consent of member states so affected and using the document as an excuse to narrow down

options would only complicate and mislead the negotiations and compromise the progress achieved so far.

6. Sierra Leone for the African Group, expressed its disappointment in the documents, stressing that the group had been quite unequivocal on its stance at this stage of the intergovernmental negotiations against the process of embarking upon merging language in the text and streamlining positions without first achieving agreement on the principles and criteria viz-a-viz the negotiable clusters in the intergovernmental negotiations.

7. These concerns notwithstanding, the Facilitator under cover of a letter dated 23 February, 2011, circulated the proposed Rev. 3 with minor clerical amendments and invited delegations to the first exchange of the Seventh Round of the IGN scheduled for 2 March 2011.

First exchange of the Seventh Round of the IGN – 2 March 2011

8. The Facilitator opened the first exchange with the remarks that the documents for discussion were produced as a result of the articulated call and support by a good number of members including the Benelux countries for a shorter or leaner text; but that all the various positions remained intact and unaffected in the proposed Rev 3, except for some minor cases of redundancies.

9. The exchange that followed was mixed in terms of the reaction of the members who took the floor: those who had previously addressed concerns to the Facilitator such as China, the UfC and the African Group, expressed disappointment that the Facilitator had failed to heed their cautions against the call for a shorter text; others like Canada, Germany, Russia and India without out-rightly rejecting the documents, were content in pointing out some of the flaws in it. Member states such as the USA, France, Japan, UK, Peru, Nigeria and South Africa, however supported the documents as workable to kick start negotiations. An extreme suggestion by one member state was to revert to Rev.2 since Rev. 3 was proving unacceptable.

Group member states' proposals and draft resolutions

The G. 4 Draft Proposal/Resolution

10. In early March 2011 the G-4 circulated an Aide Memoire for a proposed draft resolution to Capitals of some African states proposing an initiative which they considered to be "only a first step to Security Council reform" and aiming at an early reform of the Security Council. The initiative proposed that the reform of the Security

Council should include enlargement of the Council in both the permanent and non-permanent categories and improvement in its working methods.

11. This G.4 initiative was described as “an attempt to complement and facilitate the ongoing “Tanin process” and intended for the General Assembly to give its political guidance on these two important aspects of Security Council reform, based on strong belief that clarity about the support these elements enjoy within the membership could generate the momentum needed to kick start negotiations on the reform as a whole.

12. Russia and China, two P5 members of the Security Council, have been overtly critical of the G.4 initiative. Russia for its part, in the wake of this initiative, caused to be circulated in early March 2011, a Note to the membership, conveying a press-statement from the Ministry of Foreign Affairs of the Russian Federation on the on-going negotiations on the Security Council reform, expressing caution that a hasty decision on Security Council reform would only compromise its legitimacy, and that under such a scenario the opinion of a number of prominent and responsible member states who significantly contribute to the United Nations could be ignored. They called on all member states without exception, to continue to coordinate their efforts with a view to seeking a consensus they described as “a mutually acceptable formula that should garner the widest possible support of the UN member states - far above the two thirds majority of votes necessary for adopting decisions in the General Assembly”, and that the negotiations should continue at a normal pace without imposing timetables or artificial deadlines.

13. China by a general letter on 13 March 2011, as usual, reiterated its commonly known position that Security Council reform should give top priority to increasing the representation of developing countries especially those of African countries; and expressed grave concern that the G.4 was planning to table a draft General Assembly “framework resolution.” It was opposed to such a procedure as “piecemeal” and “step-by-step” approach. It was further categorical on its position, that the five key issues on Security Council reform were interlinked and must be addressed in a package solution, admonishing that pushing through reform of the Council in the General Assembly before any general agreement was reached among member states would split the membership and derail the on-going intergovernmental negotiations process. It maintained its strong opposition to any effort to quantify member states positions, which was considered as harmful to the reform process.

14. At a lunch discussion on 9 March 2011, hosted by the Italian Permanent Representative to hold consultations on the Security Council reform, the UfC reservation was well articulated when he described the G.4 initiative as one intended to create divisions and which, instead of “reforming” will only result in “deforming” the process. He further criticised the initiative as lacking transparency and clarity in wording on the issue

of the veto and that it was full of traps. For them, (the UfC), the compiled text contained all the positions of member states put together and all five clusters should therefore be discussed as a comprehensive package.

15. The C-10 in conjunction with the African Group of the Whole have also discussed the G.4 initiative within the platform of the L.69 Group of member states, an alliance of like-minded states set out to canvass and garner support of member states, including more particularly, Africa, for the initiative.

The S-5 Draft Proposal/Resolution

16. The S-5 draft resolution by Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland on the Working Methods of the Security Council and its expansion was circulated under cover of a letter dated 25 March 2011, firmly believing that "progress on working methods while an indispensable part of a comprehensive Security Council reform, was of the essence irrespective of progress in the enlargement of the Council or other clusters of reform." The S-5 further assert that "improvement in the working methods of the Council was a dynamic on-going process, whereas enlargement, under all models that have been suggested, would require amending the Charter of the United Nations".

17. By letter dated 15 June 2011, the S-5 reaffirmed that they were aware of the ongoing intergovernmental negotiations on the reform of the Security Council and that Working Methods formed part of this overall reform. Whilst fully committed to that process they however held firm belief that the proposed draft Resolution could be easily implemented "here and now, independently of the outcome of the enlargement exercise", and would continue to work on it in consultation with all member states before "tabling it".

18. This initiative, like its G.4 counterpart, is equally caught by concerns raised by Member states opposed to a selective approach to issues in the reform process, for reasons that reaching an outcome on two select issues hoping the others may just fall in could be very problematic.

Meeting with the Italian Deputy Minister of Foreign Affairs

19. The Italian Permanent Mission on 28th March 2011 hosted a meeting to informally discuss Security Council Reform. Representatives of the Permanent Missions of Monaco, Papua New Guinea, Kenya, Zambia, Lichtenstein, China, Guyana, Andorra, Luxemburg, and Sierra Leone were amongst those who attended the meeting.

20. The discussions focused mainly on the G-4 and S-5 initiatives. The Deputy Minister of Foreign Affairs of Italy used the opportunity to drum in the UfC held view that Security Council reform should be based on the concepts of "compromise" and "mandatory review" and the need for the membership to recognize each other in the reform process. Italy considered the initiatives as being based on a "piecemeal" approach which contravened the relevant General Assembly resolutions on the reform and had the potential to undermine the intergovernmental negotiations and the role of the Facilitator; that a comprehensive reform based on compromise and which did not favour one position was required to reach a final solution. Furthermore, Italy was in support of a mandatory review after fifteen years that would take into account new emerging countries and that would consider claims of under-representation particularly of Africa.

21. That Africa also favoured a comprehensive approach and a give and take or trade-off negotiations that would eventually lead to a compromise solution was underscored by Sierra Leone on behalf of the African Group; so too was the need to address the slow progress in the process, which now required the necessary political will to move towards real negotiations. Africa, Sierra Leone maintained, was not the stumbling block to reform and was as a matter of fact, gratified to note that nearly all delegations were unanimous that Africa's position in the reform process was a special case given that it was a continental aspiration, but regretted that such a well-deserving dispensation has yet to be factored into most of the various held positions on Security Council reform, and hoped that sooner than later such provision would materialise.

22. Most delegations also supported a comprehensive and package deal approach. Delegations such as Papua New Guinea (speaking for the Pacific Small Island States), China and Luxembourg affirmed that Africa's demand should be given serious attention; while Lichtenstein reminded delegations that its version of an intermediate approach was still an option for compromise.

23. Italy in response reiterated that the UfC was against expansion in the permanent category and that they preferred a reformed Council without permanent members but that the Charter did not make provision for the current permanent members to opt out of that category. Italy reaffirmed the need for the Security Council to be more representative not only of today's realities but of the future as well, and that the difficulty was how to adapt the Security Council in the next 15 years to come if more permanent members were at this stage to be included on the Council. There was a need for a flexible solution for the future.

24. Responding to the point raised on Africa, Italy accepted that Africa was a special case, but the issue was how to reflect that in the process; and that no one had a general formula on the matter, but collective effort was necessary to find a solution. Africa's case

could possibly be addressed through size, distribution and regional representation - a permanent representation through Regional representation; there were means possible. Africa's case came from the solution in 1946 and should be addressed within the context of the 1946 arrangement; compromise was therefore required.

25. Italy further admitted that there was no real negotiation going on for now and that it was all a question of political will, which when manifested would lead to a compromise solution. The question however, was how to achieve the political will to kick start negotiation. To achieve that objective, it was of the view that more flexibility was required and that the UfC had in that sense reviewed its position but others were yet to reciprocate that move. The G. 4 draft framework resolution it concluded was not good for Council reform as it would be difficult to move forward afterwards to address other issues like the veto and may end up dividing the membership.

Meeting with the Facilitator

26. On 19 April, 2011, C-10 on the invitation of the Facilitator, held a meeting with him during which, he revealed that he had held consultations with both the G-4 and the S-5 on their new initiatives involving their draft resolutions with the intention of hearing from them how those initiatives would fit into the framework of the intergovernmental negotiations. He was assured that the intention was to aid the intergovernmental negotiation process and not to break away. In finally commenting on those initiatives, the Facilitator asserted that any member state or group was at liberty to come up with ideas or formulas that would help to move the process forward. He concluded that given the present state of affairs, there were three options to be considered:

- a) Membership driven initiatives which have the advantage of garnering the necessary political will and if widely supported might create dynamism to push the process forward decisively;
- b) Rev.3 which was already on the table, benefitting from the advantage of engagement by all member states in the process but was faced with the challenge of receiving the necessary political will, which as Facilitator he could not on his own help generate; but left with member states to do so;
- c) then the option to stop the process.

27. The C-10 in response, unequivocally dismissed option (c), and also expressed reservations on option (a) for reasons that such membership driven initiatives could be considered suspicious by others and bound to be divisive. C-10 considered option (b) i.e. the continuation of the intergovernmental negotiations on the basis of Rev. 3, if modified to take into account all concerns so far raised by the member states.

28. C-10 indicated that it was prepared to consider a modified Rev.3 as long as the African common position was not affected in substance. On the issue of narrowing down differences, C-10 reiterated its position that efforts at more consultations should be made and that it was firm in its belief that agreeing first on the principles was essential before embarking on merging language in the text or streamlining positions.

Meeting with L.69 and briefing of the African Group

29. In furtherance of the need for holding consultations with all interest groups and stakeholders in the reform process, C-10 met with the L.69 on 6 April 2011 under the auspices of the Indian Mission (providing only facilities), with the Permanent Representative of Jamaica as spokesperson for the L.69 chairing and the Permanent Representative of Sierra Leone as Co-chair.

30. The L.69 is a cross regional grouping or coalition of diverse groups of 40 (forty) countries¹ spread through Asia, Africa, GRULAC and Pacific Small Island States. It comprises, (two out of four G-4 members), India and Brazil; (eleven out of fifty-three) African member states; (eleven out of fifteen) CARICOM member states; ten Pacific Small Island states; four Latin American states (Bolivia, Ecuador, Nicaragua, and Venezuela) and two Asian (Bhutan and Mongolia).

31. The L.69 was instrumental in moving the Security Council reform from the open ended working group (OEWG) phase to the intergovernmental negotiations (IGN) phase and in also moving the negotiations to a single compiled text based document of all the positions.

32. The meeting according to the L.69, was to discuss informally in an open and frank manner the proposed G. 4 draft resolution with the aim of canvassing the support of the C-10 in particular, and other members of the African Group to sign the proposal. It was argued by the L.69 that the UN Charter itself provided for only two categories of members in the Security Council: Permanent and Non-permanent, and that permanent membership could in that sense only mean all the prerogatives of a permanent member including the veto. The Indian national position was for all permanent members to have the same rights. The Draft resolution therefore included the veto. They believed, the Draft resolution was not meant to be an end in itself but the beginning of building blocks or a piece by piece approach or an open door resolution and that the other clusters

¹ L.69 Group: Bahamas; Barbados; Benin; Bhutan; Bolivia; Brazil; Burundi; Cape Verde; Dominica; Ecuador; Ethiopia; Fiji Islands; Grenada; Guyana; Haiti; India; Jamaica; Liberia; Mauritius; Micronesia; Mongolia; Nauru; Nicaragua; Nigeria; Palau; Papua New Guinea; Rwanda; Saint Kitts and Nevis; Saint Lucia; Saint Vincent and the Grenadines; Samoa; Seychelles; Solomon Islands; South Africa; Suriname; Timor-Leste; Togo; Tuvalu; Vanuatu; Venezuela

would eventually be dealt with later. Some African countries they confirmed, had already signed.

33. According to the L69 Spokesperson, both Africa and L69 shared common objectives on expansion in the composition of the Council and improvement in its Working Methods. They both subscribed to an increase in Size to 25/26. On distribution, the L69 would support allocation of Permanent seats as follows: two for Africa, two Asia, one Grulac and one WEOG; and would also support an increase in Non-permanent seats from 10 to 14/15 with allocation as follows: one Asia, one East European, one Grulac and one or two for Africa. Africa therefore stood to be represented in both Permanent and non-Permanent categories.

34. C-10 expressed the view that expansion in both permanent and non-permanent on Charter based categories was attractive, provided no other new category of Permanent Members would emerge. Clarity was required from the L.69 how this would be achieved. It was also stressed that as long as it continued to exist, the veto in particular, was important to the African common position on the one hand, and that such an important requirement should not be left to be resolved on the basis of shades of meaning but required clarity beyond doubt, so that in the event that the draft went to the General Assembly, to avoid delegations explaining their votes that they understood permanent in the Draft resolution to mean with or without the veto; a possibility which would thus render the exercise fruitless and impact with negative implications on Africa's positions on the other clusters and in the entire intergovernmental negotiations.

35. C-10 further called to the attention of L.69 that Ops.1 of the G4 draft itself seemed to have been extracted from the African draft resolution A/59/L.67 of 2005 and was *pari materia* with its Ops.1; but that the L67 draft went further in its Ops.2 to provide for the veto independently which was quite inclusive and clear on that issue, unlike the G4 Draft. It was further pointed out that the African common position and the CARICOM positions were similar as both explicitly provided for Africa to have two permanent seats with all its prerogatives including the veto, whereas they differed with the L.69 which was glaringly silent on the issue of veto, although the L.69 had also in Statements openly expressed support for the African position but have as yet to amend their position in the Compiled text to make it compliant with the veto. C-10 also considered the draft G.4 resolution as dealing not only with procedure but also with substance and was bound to impact on substantive positions. The two groups agreed to continue engaging each other.

36. The C-10 subsequently on 21 April 2011, briefed the African Group of the Whole on recent developments including the G-4 Aide Memoire and proposed draft resolution, its meeting with the L.69, the Facilitator and with Italy (UfC). The Coordinator of C-10

Permanent Representatives in New York intimated the Group with the three options they had discussed with the Facilitator, which covered recent Member states' initiatives including the G-4 draft resolution, pointing out that the draft failed to incorporate the key elements of the Ezulwini Consensus, including the Veto. He further expressed C-10's concern about the dangers of yielding to a selective piece-meal approach expecting that other clusters left to be decided upon would easily and seamlessly fall in; and cautioned the Group about the intent and purpose of G4 draft resolution at a time when Rev. 3 was still on the table in the intergovernmental negotiations.

37. The Coordinator further cautioned that any initiative by a member state or a group of member states at this stage would be viewed by others with suspicion and could therefore be divisive, and that such division was beginning to pave its way in the Group between those African L69 members and supporters of the G4 Draft and the bulk of non-L69 African members.

38. According to the C-10 Coordinator, unlike the G4 Draft which had threatened to erode the cohesiveness and unity with one voice of Africa in the reform process, Rev.3 on the other hand continued to bind the Group together on both substance and procedure, with only some minor differences between the rest of the Group and the delegations of only two sister African states who held different views on the procedure of merging language in the Text as well as streamlining positions. Whereas the G4 Draft would create problems in the Group on both substance and procedure, Rev. 3 would only create a minor problem on procedure, which in any event could be resolved by a modified Rev.3 together with a clear roadmap of the process agreed upon by Member States.

39. The futility of overcrowding the UN Security Council with more non-permanent seats or permanent seats without the Veto was also addressed by the C-10 Coordinator. Africa, he concluded needed strong voice rather than only a plurality of numbers in the Security Council for Africa to be effective on Council and it was in the interest of our African common position to go along with Rev.3 which kept us bound together as a Group rather than with the G4 Draft which would inevitably divide us. C-10 intended to continue to engage other interest groups in pursuit of that objective.

40. Nigeria and South Africa disagreed with the position of agreeing first on the principles before embarking on merging of language or streamlining the text. South Africa, Nigeria, Benin, Mauritius, Tanzania, Botswana, Rwanda, Liberia, Ghana and Ethiopia (although a few have refrained from signing the documents until they hear from their respective Capitals) expressed support for the G-4 draft resolution with the argument that it did not contradict Ezulwini and alleged without any corroborating evidence that 85 member states had already signed the draft resolution; it was not impossible therefore, to get the two thirds majority of the membership required by the

General Assembly. Senegal, Cameroon, Zambia, Namibia, Egypt, Mali and some others supported C-10's position on the draft resolution and reminded the Group about its commitment to decisions of the African Heads of State on the issue. Lesotho in particular, enquired whether L.69 held a position on substance, and whether such a position contradicted or was in consonance with the African common position. C-10 Coordinator in response pointed out to the group that the L.69 held no position on the veto in the compiled negotiation text.

41. The Chair of the African Group for the month of April, the Permanent Representative of Niger, admonished members to keep promoting the Ezulwini Consensus and requested the C-10 Coordinator to report faithfully the views expressed at that meeting to the Summit of the African Union.

42. On 17 May 2011, the L.69 in its efforts to canvass and garner support for the G-4 draft resolution, again briefed the African Group in New York, with Nigeria as Chair. The substance of their briefing was no different from their previous briefing of C-10. While reiterating the similarities of the two positions, they attempted to convince the Group that the G4 Draft resolution, which called for enlargement of the Council in the permanent and non-permanent categories and improvement of its working methods, included the veto. They asserted that since the Charter provided for only two categories, expansion in the Permanent Category implied all the prerogatives and privileges of permanent membership. The African members of the L.69 such as Nigeria and South Africa assured the African Group that they were committed to the Ezulwini Consensus and the African Common Position which had the Veto at the heart of its demands for reform of the Council and they were in support of the G-4 draft resolution with the understanding that the veto was implied in the document. India, at the end of the briefing, asked the African Group to sign a Memorandum of Understanding on the condition that all new permanent members would have the same rights and privileges as others.

43. The African Group and the L.69, agreed to continue to engage with each other in in-depth dialogue at expert level in order to fine tune the draft G.4 resolution and to come up with a language acceptable to both sides.

44. This meeting took place in the absence of many African Permanent Representatives including the C-10 Coordinator and some C10 members, who were away attending the LDC in Istanbul, the Qatar and Rome conferences on Security Council reform.

45. On June 15, 2011 the Permanent Representative of Sierra Leone and Coordinator of the C-10 met with the Permanent Representative of India, and agreed that the Terms of Reference for the proposed expert meeting be drafted by India to set the stage for dialogue between experts of the two Groups.

Outcome of the Qatar Workshop

46. The Government of Qatar organized a Workshop on UN Security Council reforms on 12 and 13 May, 2011 in Doha, Qatar. The Workshop was opened by the Qatari Minister for Foreign Affairs and presided over by the Chair of the intergovernmental negotiations, Ambassador Zahir Tanin.

47. The purpose of the Workshop was to:

- a) Provide a platform to debate on issues and positions related to UN Security Council reform and future actions;
- b) Provide an opportunity for civil society and academics to air their views and engage key member states on the reform;
- c) Provide an opportunity for Qatar, in preparation to assume the Presidency of the 66th General Assembly, to be up to speed on the issue of UN Security Council reform.

48. The meeting was attended by 34 delegates, including representatives from UfC, G4, L.69, S.5 and the Africa Group. Present also were academics and civil society.

49. The meeting discussed, in interactive sessions, the current state of reforms, the key elements of the reform, the different positions, and the way forward for the intergovernmental negotiations.

50. The Chair in support of Rev. 3, indicated that there was strong support for the Text and if the document were to be made more readable, it could be the framework for further progress. He questioned whether to continue with the editorial process of the Text or do something else; whether groups would get hundred per cent of their demands or positions, or there was need for compromise; how we could all be winners in the reform, failing which we could all be losers. He was confident that despite the difficulties, the process had not hit the wall as some would claim.

51. The German delegate was categorical that Africa would not get the majority required for the veto. Whilst the French delegate held the view that the G4 proposal could be a way to further progress in the process, the Delegates of Italy and Pakistan on the contrary were of the view that side initiatives were not helpful to the process. It also emerged from the discussions that it was important for Africa to choose its two candidates for permanent seats on the Council now than later; that only 66 members were so far for the G4 Draft Resolution and that it lacked details on how it would be implemented.

52. China as usual, expressed support for the presence of Africa and other developing countries in the Council; Germany as usual, opted for a shorter document by narrowing down the options. Emerging new was the suggestion by the delegate of South Africa in support of an incremental approach to break the deadlock and to counter the argument against a piecemeal approach - the delegate of Pakistan queried the difference in the two concepts.

53. For Africa, the need for an agreed roadmap of the process irrespective of timelines in the interest of certainty and predictability was emphasised in order to be sure at what stage real negotiations and trade-off would take place, now that there was an agreed compiled Text document of all positions in existence.

54. The host of the meeting and incoming President of the General Assembly, the Permanent Representative of Qatar to the UN, welcomed the fruitful exchange of views, which he believed would be useful for the process going forward. He also supported the current negotiations and expressed confidence in the leadership of Ambassador Tanin in guiding the process, who came with assurances that he would come with what was needed to engage all, and that interaction, inclusiveness, and transparency were important. "Everybody should feel they are part of the process. The difficulty is how to keep everyone on board. More are now engaged than before on how to move the process forward" he concluded.

Outcome of the Rome Meeting

55. On 16 May 2011, over 123 delegations from across the United Nations membership, including some members of the C-10, all stakeholders on Security Council reform and the President of the General Assembly, H.E. Joseph Deiss attended the second Ministerial Meeting on Global Governance and Reform of the United Nations Security Council convened by the Government of Italy (the first was held in February 2009).

56. Delegations were in agreement that the intergovernmental negotiations in New York, remained to be the only forum competent to decide how to reform the Security Council. Furthermore, they unanimously expressed common will "to correct, first of all, the injustice done to the African continent, subject of 70% of the Council's decisions but at the same time under-represented on it"; and stressed on the importance of "strengthening the profile of the regional dimension in a reformed Security Council".

57. Delegations also recognized that “consensual approach” could only be achieved through “a compromise solution, in which all Member States could recognize elements of their legitimate initial aspirations”.

58. The President of the General Assembly, H.E. Joseph Deiss, noting the recognition by member states of the need for a “broad compromise that would be acceptable for a broad majority of Members” highlighted the following:

- a) Need for the broadest possible support to touch the foundations of the Organization. Therefore, a narrow two-thirds majority would not be sufficient.
- b) Any Security Council reform must respect the United Nations fundamental values of inclusiveness, democracy, accountability, transparency and subsidiarity; core values which must guide our efforts and constitute the backbone of institutional reform, and for which an appropriate balance must be found.
- c) Flexibility: not to lock the Security Council in a new structure that could soon become obsolete. The system should manage to adapt to new developments smoothly and rapidly.
- d) Simplicity: to embark on a realistic reform which must take into account what already existed, and with a solution simple enough so that it could be easily understood by politicians, parliamentarians and the wider public.
- e) Efficiency: taking into consideration that Council would have to act more and more in situations of emergency, the reform should aim at efficiency with a solution that was workable in every respect.
- f) The President made it clear that he was not proposing or pleading for any specific solution. It was up to the Member States to decide about the direction and the pace of progress as well as the decision to forge compromise. He was however, determined that progress on this issue should be made during his presidency, and urged all to embark on real negotiations, for which to succeed, would require all parties to display a constructive, realistic and flexible attitude.

President of the General Assembly’s Latest Initiative

59. Determined that progress on the reform process should be made during his presidency, the President of the General Assembly has put together a “group of friends” consisting of about 20 or so member states with the specific purpose of moving the process forward. So far, no C-10 member has been approached. It is therefore necessary to wait and see the criteria for his selection and how this latest démarche of the President on the reform process will impact on the role of the Facilitator of the Intergovernmental Negotiations and on the need to maintain impartiality and neutrality to

any position on the reform of the Security Council by the President and the Facilitator as well as the need for adherence to the fundamental core values outlined to guide the process.

III. OBSERVATIONS

60. In the light of the foregoing developments on the United Nations Security Council reform, C-10 proffers the following observations:

General

61. The Intergovernmental Negotiations remain to be the appropriate forum to discuss Security Council reform and the compiled text should continue to serve as the vehicle to move the reform process forward. However, the Facilitator seems to be faced with the dilemma on how to proceed with the Text, given the varied views expressed on moving the process forward. Member States agree on the content of the compilation text, but have not come up with a common agreement on how to use the document to reach a consensus.

Rev.3 and its “Operational Tool”

62. The membership is however divided on how to proceed with the text with several delegations coming up with divergent views. The common dominant views on the way forward in dealing with the text in order to make it workable as a negotiation text are as follows:

- a) editorial – some delegations continue to call for an editorial aimed at shortening the text which seems to be the view shared by the Facilitator, but is being confused with merging language in the text and streamlining positions;
- b) narrowing down of options - in which case positions would be eliminated, and therefore not an option to some member states;
- c) no elimination of any option – some member states are of the view that everything i.e. all options should remain on the table until compromise is reached in the spirit of give-and-take, creating a sense of ownership of the final decision by all member states;
- d) agreeing first on principles – this view advocates that the membership should agree first on the principles and criteria of the negotiations before

engaging in any drafting exercise involving merging language or streamlining positions;

- e) some of the membership also express the need to improve on Rev.3 in such a manner that positions would not be affected.

63. As stated in paragraphs 4 to 9, the difficulty that the membership had with Rev.3 was that the short document (operational tool), was never discussed by them neither at the intergovernmental negotiations nor through any form of consultation, and therefore not based on consensus arising out of discussions. Also, the arrangement of positions in Rev.3 and the way they are juxtaposed tend to misinterpret or misrepresent by aligning some positions together, for example, on categories and veto, the African position is juxtaposed with that of the Russian Federation. It was as a result of expressed dissatisfaction with Rev.3 that caused some member states to call for a return to Rev.2.

Need for a Roadmap on the Process

64. The absence of a roadmap on the phases of the process has the tendency of creating suspicion for any new moves made by the Facilitator together with the lack of political will of the membership to make concessions continue to create problems on the process. There is therefore need for predictability and certainty on the phases of the process up to the possible end point of a draft resolution.

C-10's Position on Agreement on Principles First

65. C-10 therefore continues to maintain that an agreement must be sought first on the principles and criteria before embarking on any drafting exercise involving merging language and streamlining positions in the Text, for reasons that such an exercise would require clear agreement on the principles in order to avoid the present pitfalls of Rev.3.

Proposals/Initiatives of Interest Groups

66. The seeming slow pace of the Intergovernmental Negotiations appears to account for the emergence of initiatives and proposals by some interest groups amongst which are the draft framework resolution on the enlargement in both categories of the Security Council put forward by the G-4, the S-5 proposal on the reform of the Working Methods of the Council, and maneuvers by some members of the L-69 associating themselves with the G.4 proposal and canvassing support from African delegations. Both the G-4 and S-5 draft resolutions procedurally and substantively contradict the General Assembly decision 62/557 which continues to be the basis of the Intergovernmental Negotiations, and the only agreed framework of the negotiations on

Security Council reform. In addition, both resolutions are not the product of the outcome of the Intergovernmental Negotiations per se.

(i) The G-4/L-69 Proposal

67. The G-4 proposal patently reflects the well-known position of the G-4, who prefers to do without the veto at this stage until review; and also in tandem with the L.69 position which is silent on the veto in the compilation text; and therefore not supportive and consistent with the African common position declared in Ezulwini and Sirte Declarations.

68. It is accepted that the G.4 draft resolution deals with both substance and procedure and is bound to affect positions not in alignment with it.

69. Another feature as highlighted in views expressed by some delegations (see paragraphs 12- 20) is that it is a “piecemeal approach” and therefore against the spirit and intendment of the relevant General Assembly resolutions guiding the process on the basis of a comprehensive reform and consensus building.

70. The G-4 by first approaching some African capitals, avoided direct consultation with the C-10, Africa’s interlocutors in the Intergovernmental Negotiations and have still not made any attempt to meet with them as a group but rather prefer to deal with them on individual and bilateral basis. This strategy has the potential to split ranks.

71. It is to be noted that Germany and Japan, two G-4 members, unlike India and Brazil, are not members of the L-69. Differences in interpretation by both factions of the G-4 has apparently surfaced to the extent that India and Brazil project the draft resolution as impliedly covering the veto; whereas, Japan and Germany claim that it only refers to categories of membership without the veto being implied. This difference in interpretation and the lack of clarity is confusing to the membership and affected the reaction of member states to the draft resolution..

(ii) The S-5 Proposal

72. Although the S-5 draft resolution on working Methods is very much in line with the African common position taken on it; the fact that the S-5 do not support expansion in the permanent category and are against extension of the veto, their selective approach on Working Methods and attempts to fast track their draft resolution could not be in the interest of the African common position. It may have the tendency to block the progress of the Intergovernmental Negotiations and also against comprehensive approach of the reform process.

73. The S-5 does not support expansion in the permanent category which is in contrast with the African demand for enlargement. Secondly, they are against the extension of the veto, but supports limiting its use. Their selective action in fast tracking the draft resolution on the Working Methods only may end up stalling progress on the other clusters. This falls short of a comprehensive approach.

C-10's Views on the Process

74. The C-10 is of the view that any individual initiative by groups of Member States is bound to be viewed with suspicion by others and therefore Rev. 3 if modified to take into consideration the expressed concerns of Member States and the availability of a clear roadmap on the process could be the framework for further progress on the reform.

Support for the African Common Position

75. Notwithstanding the challenges suffered on the process so far, sentiments expressed by President Sarkozy of France as Chair of the G-8 when addressing the African Union summit in Addis Ababa in January 2011, for an early reform of the Security Council with an African presence in an enlarged council, has been given added value by a good number of delegations who continue to express support for the African common position with the view of addressing the historical injustice the continent continues to suffer. The issue of Africa being considered as a special case has been given prominence and unanimously acknowledged by the 123 delegates that attended the Rome Ministerial meeting held on 16 May 2011.

76. It is worthy to note that during the 16th Ministerial Conference and 50th Commemorative Meeting of the Non Aligned Movement (NAM), which took place from 23-27 May 2011 in Bali-Indonesia, NAM member states reiterated the need to step up efforts on the reform of the United Nations and the global economic and financial system. The issue of the UN Security Council was discussed and the African Common Position received support from the NAM membership.

The President of the General Assembly's Latest Initiative

77. A new initiative has been launched by the President of the General Assembly. C-10 has never been consulted by the President of the General Assembly about the desirability of such a step. It is therefore prudent to wait and see how this will impact on the role of the Facilitator and the intergovernmental negotiations proper, and whether impartiality to positions, the core values of inclusivity, representativeness, transparency and openness will be maintained.

IV. CONCLUSION

78. The African Common Position is still valid and viable, and continues to garner strong support from various groups and fora. Africa should therefore continue to be unified in support of its common position and to speak cohesively with one voice on all issues and aspects of the reform process. In that regard, Africa should continue to pursue its position of agreeing first on the principles and criteria of the negotiations in respect of all the five clusters before embarking upon any drafting exercise involving merging language in the Text and streamlining positions, and to continue to engage in the Intergovernmental Negotiations rejecting any attempt to split its rank by meretricious interest groups' proposals damaging to the common African cause.

79. A concerted effort by all Member States is required to generate the necessary political will to reach a comprehensive solution on Security Council reform. Any piecemeal approach may potentially harm the elements of the African Common position and divide its membership and in the process, lose its core demands and potentially undermine the gains made so far, which must be consolidated at this very crucial stage.

80. The G-4 draft proposal on the enlargement of the Council in both the permanent and non-permanent categories and the working methods of the Council should be viewed with great caution and alertness, as it clearly fails to address the veto, which remains key to the African Common position. The veto as it were, remains to be a cluster on its own in the compiled negotiation text and in Decision 62/557, the lodestar of the intergovernmental negotiations. Also, the patent absence of any reference to the veto in the draft resolution is consistent with both the L-69 and the G-4 positions as reflected in the compiled Text and could not in any way be taken to address Africa's demands as contained in the Ezulwini consensus and Sirte declaration.

81. A potential division within the African Group created by a few but significant African countries who on the one hand are bound by the African common position; but on the other hand are members of the L-69 Group of Member States subscribing to the G-4 proposal, and canvassing support for it, regardless of the fact that it is visibly not compliant with the veto requirement of the African common position, is threatening to the cohesiveness and unity of the Group.

82. The draft proposal by the Small Five (S-5) on the Working Methods of the Council and improvement of its relationship with the General Assembly, like its G-4 counterpart, also seeks to address only one of the five clusters of the reform and therefore not a comprehensive deal approach and could potentially undermine the demands of the Ezulwini consensus and Sirte declaration.

83. As the demand for Africa to be considered as a special case gains momentum, so is the need to build on and continue promoting the African common position. Africa should therefore continue to speak cohesively with one voice and to reject any proposal that has the potential to undermine its core demands and/or split its ranks.

84. There is need to wait and see how the “Group of Friends” set up by the President of the General Assembly specifically to move the process forward, will impact on the need to maintain the integrity of the process in terms of strict adherence to its core values.

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