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**ASSEMBLY OF THE AFRICAN UNION**  
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**THE SEVENTH REPORT OF THE PERMANENT  
REPRESENTATIVES OF THE COMMITTEE OF  
TEN ON SECURITY COUNCIL REFORM  
15 JULY 2010, New York**

**2010**  
MAKE PEACE HAPPEN

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**1. Preamble**

1.1 Pursuant to its mandate of coordinating the advocacy for and canvassing of African Common Position on the reform of the United Nations Security Council as enunciated in the Ezulwini Consensus and Sirte Declaration, the Committee of Ten on the Reform of the Security Council has been fully and effectively engaged in the on-going Inter-Governmental Negotiations on the Question of the Equitable Representation on and Increase in the Membership of the Security Council and Other Related Matters and, in accordance with Assembly/AU/Dec/285(XIV) adopted at the 14<sup>th</sup> Ordinary session of the Summit of the African Union held from 31<sup>st</sup> January to 2<sup>nd</sup> February 2010, in Addis Ababa, Ethiopia

**2. Introduction**

2.1 The present report is intended to provide an update on the process since the last Ordinary Summit of the Assembly of Heads of State and Government held in January – February 2010 in Addis Ababa, Ethiopia at which an African Common Position was adopted on two additional clusters dealing with the *Relationship between the Security Council and the General Assembly* and the *Working Methods of the Council* as there was hardly any comprehensively recorded point of reference of a common position on the afore-mentioned two clusters. The Fourth Round was followed by a long spell of in-camera spade work by the Facilitator to prepare the ground for the next phase of the inter-governmental negotiations designed to break a new ground for a more interactive interface devoid of the re-statement the known positions that no longer helped to move the process forward.

2.2 In a letter dated November 16, 2009 addressed to delegations, the Facilitator revealed his intention to take the negotiations beyond "exchanging views" towards "exchanging goods". This effort was ostensibly intended to encourage negotiations rather than the perennial re-statement of entrenched positions. .

**3. Evolution of the Process and Developments**

3.1 Following the conclusion of the Fourth Round of the negotiations that spanned from December 8 and 9 of 2009 through January 19 this year, the process took a new turn. Prior to the Facilitator to dispatching his letter of November 16, a small group of like-minded delegations, launched an initiative urging the Facilitator to come up with a comprehensive text for negotiation. This culminated in a petition that was signed by some 140 delegations from across the various position encouraging the Facilitator and Chairman of the intergovernmental negotiations, H.E. Dr. Zahir Tanin, the Ambassador/Permanent Representative of Afghanistan to move the process into an interactive mode built upon a single document encompassing all known positions and

proposals on the table with a view to facilitating the process in a meaningful, proactive and expeditious manner. On this note, he invited delegations and interest groups to submit proposals for incorporation into the proposed text for inter-governmental negotiations

3.2 Subsequent to this, the Coordinator of the African Union Committee of Ten on the Reform of the Security Council, in consultation with the African Group of the Whole, in a letter dated 23 December 2009 addressed to the Facilitator submitted elements of the African Common Position for inclusion in any composite document.

3.3 The Facilitator, on May 10 this year, addressed a letter that included a 32-page attachment, to Member States consisting of a comprehensive compilation of all the positions and proposals in a text to be used for negotiations in the Fifth Round, reiterating that it was in strict conformity with General Assembly decision 62/557 and that it placed the positions and proposals of member states and the 5 key issues at the heart of the negotiations. He invited delegations to review, examine and verify whether their respective proposals submitted for inclusion in the text were accurately reflected in the negotiation text and to revert accordingly in writing on any observations, omissions and/or additions before the close of business on May 20. As a result, some amendments were introduced into text, which further led to the release of the revised version presented on May 26; thus, setting the stage for the various exchanges of the text-based Fifth Round of the Inter-governmental Negotiations.

3.4 Subsequently, the Facilitator also revealed his intention to re-convene a series of Informal Plenary meetings during the Fifth Round to allow member states to focus on the text at hand in an open, transparent, comprehensive and inclusive manner to consider the five (5) interconnected key issues, starting in reverse order with the Relationships between the General Assembly and the Security Council. He urged Member States to examine the issues in a concrete and comprehensive manner and make specific amendments to reduce obvious overlaps, address existing differences and combine common elements in the language of the negotiation text.

3.5 The Fifth Round of the Inter-governmental Negotiations was launched on June 2 2010 commencing with the First Exchange that zeroed in purely on general comments on the text as a whole and how to approach the process. All delegations taking the floor generally welcomed the revised text submitted by Facilitator on May 26 and commended him on his faithful reflection of all positions and proposals tabled by Member States. Taking the cue from the Facilitator, several delegations called for the need to abridge the negotiating text – by making it shorter, more refined, user-friendly and devoid of repetitions as well as overlaps with a view to narrowing down divergences in order to produce a leaner text garnering the widest political acceptance. As usual there were calls for flexibility for divergent proposals to be merged.

3.6 Since the First Exchange, negotiations had shifted into full gear with each of the five (5) clusters considered in each of the subsequent exchanges in reverse order, beginning with the more consensual 5<sup>th</sup> and 4<sup>th</sup> clusters dealing with the Relationship

between the *General Assembly and the Security Council and Working Methods respectively*. Unlike the delegations and interest groups that are engaged in attempts at merging positions and proposals, irrespective of the inherent nuances existing between the seemingly look alike positions or proposals, the Coordinator of Committee of Ten, speaking on behalf of African Group strongly expressed the view that in order to move the process with much ease, delegations should at this stage of the negotiation focus on reaching agreement on principles first rather than being bogged down on language.

3.7 Despite the seeming agreement on the two aforementioned clusters, members of the Permanent category of the Council (P5) have opposed to the consideration of the clusters relating to the Relationship between the General Assembly and the Security Council and Working Methods as an encroachment on the status quo of the General Assembly and the Security Council. The United States expressed strong views against any attempt of subordinating one principal organ to the other in contravention of Article 7 as they deem the General Assembly and the Security Council as co-equals.

3.8 In terms of process the Facilitator encouraged Member States to streamline the document by examining the language with a view to revising draft of the negotiation text on all five clusters with Member States in the driving seat and guided by General Assembly decisions 62/557 and 63/565. He requested Member States to make concrete suggestions and/or proposals on the way forward in rationalizing the points of convergence as well as the divergences in order to help him come out with a second revision at the end of the fifth round of the intergovernmental negotiations. He has left the door widely open to Member States to also communicate to his office any further proposals or suggestions that they deem relevant to taking the process forward. He further reassured that no amendment will be effected on any of the proposals without the expressed approval of the original author of that proposal. In this respect, he encouraged delegations and interest groups to reach out and try to accommodate each other in order to narrow differences and streamline the text in preparation of the next round of negotiations.

3.9 As far preparations go within the framework of the African Group throughout this Fifth Round, the C-10 had been meeting regularly to review previous exchanges and to strategize for the next exchange as well as holding regular briefings and consultations with the African Group of the Whole on the negotiations and to seek guidance on the way forward.

3.10 So far there has been six Exchanges during this Fifth Round and with the exception of the first Exchange which was purely dedicated to a general assessment of the negotiation text, all sequent exchanges have each been devoted to a cluster and as stated earlier, in a reverse order – starting from the fifth, the Relationship between the General Assembly and the Security Council unto the first, Categories of Membership of Enlarged Security Council. In relation to developments on the process, it is observed that new interest groups have been formed and one such has been the BENELUX group who, like the G-4 have also been suggesting various merger proposals they deemed fit. Some delegations that had hitherto not been very engaged have been very forthcoming

with language proposals for mergers. The Italy-Colombia duo had emerged with a proposal appearing like a new and modified rendition of the Uniting for the Consensus for Group (UfC) position.

3.11 The Coordinator of the Committee of Ten speaking on behalf of the African Group has been receiving enormous support from the Group of the Whole and has been reluctant to engage in any merging exercise if some basic principles and parameters are not defined and agree upon on each of the clusters. The reason for this is simple, delegations and interest groups hold divers positions on the five clusters as spelt out in their respective proposals in the negotiating text and for Africa, the only cogent approach is to define principles and parameters and with basic agreements mergers can be achieved in an effective and efficient manner. For example, the African group does not see wisdom in merging language on expansion in the two categories of the Security Council given the divergences of view on the issue.

3.12 On substance, it is clear that while there exists a wide range of agreement on the two clusters dealing with the Relationship between General Assembly and the Security Council and Working Methods and elements such as the compelling importance of addressing the historical injustice suffered by the African continent as well as the agreement among a majority of the membership of the United Nations on the need to expand in the council in both the permanent and non-permanent categories, there still has not been any substantial shift in positions. This explains why the African group has been reluctant to engage in any merger exercise without clarifying certain important parameters. While some P-5 members express themselves on the representation of Africa in the Security Council, on the *Question of the Veto* in the Fifth Exchange, the United States, United Kingdom and the Russian Federation have, in no uncertain terms declared that they are not prepared to support the extension of the veto to any members of the Permanent category.

#### **4. Conclusion and the Way Forward**

4.1 One of the positive feature of this Fifth Round of the inter-governmental negotiations was the effort of the Facilitator to present Member States with a comprehensive single document in the form of negotiating text cataloguing positions and proposals of all stakeholders in the process in a coherent and constructive manner as well as being able to have all delegations and interest groups own up and focus on the one text as a logical point of departure.

4.2 Despite the inherent difficulties of reaching a consensus on contentious issues the need for the reform of the Security Council has been reaffirmed by the membership., . Clearly there is a general agreement in favour of the enlargement of the size of Council increased and its working methods improved. However, the opposition to the extension of the Veto on the part of the P-5 is very much potent. The clusters dealing with Categories of Membership and Regional Representation essentially remain contentious. Mustering the necessary political will to move the process forward is indispensable for its future.

4.3 The Ezulwini Consensus and Sirte Declaration remain the guiding post of the African Common Position of the reform as mandated by the last Ordinary Summit of the Assembly of Heads of State and Government of the African Union. In view of the dynamics within the negotiation process and consistent with its mandate, it is important to reiterate the need for the Committee of Ten to remain engaged and intensify the canvassing and advocacy of the African common position on a comprehensive reform of the Security Council and, reach out for its clear understanding and appreciation, at the highest political level.

4.4 As has always been reiterated Africa believes that a just, legitimate and comprehensive reform of the Council can only be achieved by addressing the historical injustice meted out to the continent as a result of the continent's non-representation in the Permanent category by no less than two seats with all its attributes and privileges and the under-representation in the Non-Permanent category with two additional seats. It needs to be re-emphasized that Ezulwini Consensus and Sirte Declaration were adopted after extensive and thoughtful deliberation at the highest-level of the African Union. For this singular reason, the African Group continued its rejection of the Intermediary Approach in the negotiation on the grounds that it out-rightly contravenes the Ezulwini Consensus in its key requirements.

4.5 The African Group remains committed to the Ezulwini Consensus and the Sirte Declaration throughout the Fifth Round of the intergovernmental negotiations. . It is also noteworthy to state that many other delegations and Caribbean Community (CARICOM) expressed support for Africa's position. Furthermore, it is also worth mentioning that delegations and interest groups do still maintain their respective known positions without any shift or a significant indication of accommodating others. The African common position remains strong, viable and still relevant.

4.6 For the next step, the Facilitator requested delegations to submit against the July 30, 2010 written proposals of amendment for a new revised text to be circulated during the month of August.

***“We are determined to deal once and for all with the scourge of conflicts and violence on our continent, acknowledging our shortcomings and errors, committing our resources and our best people, and missing no opportunity to push forward the agenda of conflict prevention, peacemaking, peacekeeping and post-conflict reconstruction. We, as leaders, simply cannot bequeath the burden of conflicts to the next generation of Africans.”*** (Paragraph 9 of the Tripoli Declaration of 31 August 2009).

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