



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

31 March 2017

Excellency,

I have the honour to transmit herewith a letter from the Co-Chairs of the Intergovernmental Negotiations on Security Council reform (IGN), H.E. Mr. Ion Jinga, Permanent Representative of Romania and H.E. Mr. Mohamed Khaled Khiari, Permanent Representative of Tunisia, circulating the *food for thought* elements referenced in their letter dated 23 March 2017, and on which all delegations are invited to comment.

I am look forward to your active and your continued participation in the next meetings of the IGN on 3 and 4 April 2017.

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

A handwritten signature in black ink, appearing to read 'Peter Thomson', written in a cursive style.

Peter Thomson

To All Permanent Representatives
to the United Nations
New York



PERMANENT MISSION OF ROMANIA
TO THE UNITED NATIONS

PERMANENT MISSION OF TUNISIA
TO THE UNITED NATIONS



31 March 2017

Excellency,

Please find attached the *food for thought* elements referenced in our letter dated 23 March 2017.

We encourage Member States to kindly provide inputs as they deem necessary, for deliberation during the upcoming discussion of the IGN on 4 April 2017.

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

H.E. Dr. Ion Jinga

Permanent Representative of Romania
Co-Chair, IGN 71st Session

H.E. Mr. Mohamed Khaled Khiari

Permanent Representative of Tunisia
Co-Chair, IGN 71st Session

**The Permanent Missions of the Member States to the United Nations
New York**

**ELEMENTS OF CONVERGENCE, COMMONALITIES
AND ISSUES FOR FURTHER CONSIDERATION**

FOOD FOR THOUGHT FOR THE 3RD IGN SESSION GA71 (3-4 APRIL 2017)

I. Elements of convergence – IGN GA70

The document “*Elements of convergence*” circulated on 11 July 2016 (presented below within “...”) focuses on two main issues:

- 1) The relationship between the Security Council and the General Assembly; and
- 2) The size of an enlarged Security Council and working methods of the Council.

To the elements of convergence identified by IGN GA70 on the two clusters mentioned above, we add some issues for further consideration and encourage colleagues to further contribute.

“Relationship between the Council and the General Assembly

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. In this regard, it is important to:

- a) *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;*
- b) *Continue the practice of regular meetings between the President of the Security Council and the President of the General Assembly;*
- c) *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;*
- d) *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,*
- *Further enhancing consultations between the Security Council and troop- and police-contributing countries throughout all phases of Council-mandated peacekeeping operations.*
- *Further strengthening cooperation with regional and subregional organizations and arrangements.*

Size of an enlarged Council and working methods of the Council

A) Size of an enlarged Council

An enlarged 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 discussions 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.)

B) Working methods of the Council

Majority required for decision-making: Decisions of an enlarged Council should be made by an affirmative vote of approximately 60% of its members, in line with the existing ratio, with the exact number of votes required to emerge from the discussions of Member States on the key issues of "categories of membership", "regional representation" and "the question of the veto". (This would entail amendments to Article 27 (2), 27 (3) and to Article 109 (1) of the Charter.)

Examples: *If an enlarged Council consists of 21 members, 13 votes (61.9%) would be required. If an enlarged Council consists of 22 members, 13 votes (59.09%) would be required. If an enlarged Council consists of 23 members, 14 votes (60.86%) would be required. If an enlarged Council consists of 24 members, 14 votes (58.33%) would be required. If an enlarged Council consists of 25 members, 15 votes (60%) would be required. If an enlarged Council consists of 26 members 16 votes (61.54%) would be required. If an enlarged Council consists of 27 members, 16 votes (59.25%) would be required. In each case, the number of votes coming closest to 60% has been identified.*

While recognizing the ongoing efforts of the Council towards keeping its working methods under consideration in its regular work, with a view to ensuring their effective and consistent implementation, the Security Council should be invited to consider the following measures:

- Adapting its working methods to ensure a transparent, efficient, effective and accountable functioning of the Council in light of the increase in its membership;*
- Adapting the working methods of its subsidiary organs in light of the increase in its membership;*

- c) *Ensuring the full participation of all members of the Security Council in its work, including the holding of the Presidency of the enlarged Council by non-permanent members at least once during their tenure;*
- d) *Undertaking a revision of the Council's provisional rules of procedure, in light of the increase in its membership, to reflect these measures and further considering the formal adoption of its rules of procedure.”*

II. Issues for further consideration related to the elements of convergence identified by IGN GA70

A) The relationship between the SC and the GA

The GA resolution 70/1003 on the revitalization of the GA and the debates in the current ad-hoc working group on the revitalization of the work of the General Assembly (AHWG) established by resolution 70/305 of 13 September 2016, have to be taken into consideration when updating the progress on this issue.

B) Size of an enlarged Council

One element of convergence identified by IGN GA70 is: *“Ensuring the holding of the Presidency of the enlarged Council by non-permanent members (NPM) at least once during their tenure”*. From an arithmetic point of view, it seems that this can be feasible in a SC with a maximum of 24 members, if the NPM term will remain of a 2 years (24 months).

At least two P5 have made clear that limiting the enlargement of SC to a total number of “low 20th” is a red line.

III. Commonalities identified during the IGN GA71 sessions on 6-7 February and 7-8 March 2017

The following general commonalities and commonalities related to the other three clusters (categories of membership; the question of the veto; regional representation) have been identified during the two first IGN GA71 sessions, on 6-7 February and 7-8 March 2017:

1. General commonalities

- a) There is widespread agreement that 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 reform of the Security Council is a Member States driven process.
- c) The objective of reform is to make the Council more accountable, transparent and inclusive for everyone, while preserving and enhancing its efficiency and effectiveness.
- d) To improve prospects for reform, a continued and enhanced engagement is of utmost importance.
- e) All five clusters are strongly interconnected and therefore negotiations should be based on the principle: *“nothing is agreed until everything is agreed”*.

2. Commonalities on categories of membership

- a) Expansion in the category of non-permanent members is accepted by all Member States.
- b) The Security Council's expansion in other categories (permanent and/or longer-term members, and/or transitional options) remains a subject for negotiations.

3. Commonalities on the question of veto

All five clusters are interconnected. The question of veto is seen particularly in connection with the working methods and the categories of membership.

4. Commonalities on regional representation

- a) Member States are desirous to strengthen the voice of underrepresented regions and groups.
- b) Ensuring a fair equitable geographical distribution should be reflected in an expanded Council's membership.
- c) Member states consider that expansion of the SC shall be made while ensuring the balance between accountability, democracy, representativeness and effectiveness in the Council's activity.
- d) There is a common understanding that developing countries, including African countries, should be better represented in the Security Council, having in mind that almost three quarters of the Council's agenda are devoted to African issues.

IV. Issues for further consideration related to the three clusters discussed on 6-7 February and 7-8 March 2017

1. General

- a) The text and its annex circulated by the PGA with his letter of 31 July 2015 remains a reference for the IGN.
- b) The most divisive opinions on the Council's reform persist particularly on three clusters: a) categories of membership; b) the question of the veto; c) regional representation.

2. Categories of membership

- a) The UN Charter mentions only two categories (permanent and non-permanent), but the GA decision 62/557 refers to "*categories of membership*" without specifying them, which leaves to the member states to decide if additional categories may be created.
- b) During previous IGN sessions member states expressed preference for one or more of the following options:

- Enlargement of the SC with only non-permanent seats;
 - Enlargement of the SC with both permanent and non-permanent seats;
 - Enlargement of the SC with non-permanent seats and create a new category of longer-term seats with possibility of re-election;
 - The option for “de facto” permanent seats, should a member state continuously be re-elected by its peers;
 - The “transitional option” (review clause).
- c) Categories of membership need to be discussed in close connection with regional representation in the SC.

3. The question of veto

- a) More in-depth discussions are needed to clarify with how many more rights of veto the SC will still be functional and how the extension of veto would strengthen the SC’s efficiency.
- b) During previous IGN sessions, the following ideas were raised :
- Abolish the right of veto;
 - If new permanent members are approved:
 - the veto right will be expanded to all permanent members; or
 - new permanent members will not benefit from the veto right, which will be kept only by the current P5; or
 - the veto right will be extended to new permanent members only after a reviewing period;
 - Progressive restraint of the use of veto and abolition of it after a number of years for all SC members;
 - Voluntarily refrain to use the veto right in cases of mass atrocities, crimes against humanity or genocide, in accordance with the ACT Code of Conduct and / or the French-Mexican initiative;
 - The veto issue to be discussed in connection with the SC working methods, because although the veto may not be, strictly speaking, a working method, it has a significant impact on the working methods of the SC.

4. Regional representation

- a) How to ensure a better ratio between the number of SC members and GA members? The ratio was 1:8 in 1945, and is 1:19 in 2017 (P5 excluded).

- b) How to ensure a balanced ratio between the number of SC non-permanent members and number of countries in regional groups (P5 excluded)? Currently, the ratio is 1:27 for Asia-Pacific, 1:22 for EEG, 1:18 for Africa, 1:17 for GRULAC and 1:13 for WEOG.
- c) Regional representation needs to be discussed in close connection with the size of the SC.
- d) The question of whether a country represents only itself in the SC, or its region, or the whole of UN membership needs to be clarified.
- e) Equal attention has to be paid to the equitable representation of small states.
- f) In an enlarged Security Council, how to ensure an appropriate balance between the principles of efficiency, transparency, accountability and geographical distribution of the SC, in accordance with art 23 para 1 of the UN Charter? (*"The GA shall elect... non-permanent members of the SC, due regard being specially paid, in the first instance, to the contribution of Members of the UN to the maintenance of international peace and security and to other purposes of the Organization, and also to equitable geographical distribution"*).