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د افغانستان اسلامي جمهوریت
دایمی نمایندگی - نیویارک

Permanent Mission of the Islamic
Republic of Afghanistan to the
United Nations

نماینده گی دایمی
جمهوری اسلامی افغانستان
در ملل متحد - نیویارک

18 May 2009

Excellency,

In strict conformity with the Work Plan elaborated by the President of the General Assembly and embraced by Member States during our successful 19 February launch of the Intergovernmental Negotiations on Security Council reform, I am herewith providing an overview of the first round. Meant to catalyze, not circumscribe, this overview shall serve as a point of departure and reference for the second round, which will consist of the following exchanges as defined in the overview itself:

22 May 2009	Exchange 1
11 June 2009	Exchange 2
23 June 2009	Exchange 3

As Chair of the Intergovernmental Negotiations, I will continue to promote the interactive nature of our meetings. Member States will thus again be given the opportunity to intervene twice, so they can react to and reciprocate the flexibility shown by their peers, but are also again urged to be concise and to limit their interventions to no longer than three minutes. I remain confident that the good faith and mutual respect in full display over the course of the first round will take us very far very fast in the second round.

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

Zahir Tanin

Permanent Representative of the Islamic Republic of Afghanistan to the United Nations

Chair of the Intergovernmental Negotiations on the question of equitable representation and increase in the membership of the Security Council and other matters related to the Council

Attached:

Overview of the first round of the Intergovernmental Negotiations on the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council

Overview

The first round of the Intergovernmental Negotiations on the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council

1. It is in strict conformity with the Work Plan elaborated by the President of the General Assembly and embraced by Member States during the successful 19 February 2009 launch of the Intergovernmental Negotiations in the informal GA plenary on Security Council reform, that the Chair, under the auspices of the President, provides this overview of the first round.
2. In no way does the present overview supplant the substantive underpinning of the Intergovernmental Negotiations, defined in subparagraphs i and iii of paragraph e of GA Decision 62/557:

"(i) The positions and proposals of Member States, regional groups and other Member States groupings;

(iii) The following documents: report of the Open-ended Working Group on its work during the sixty-first session of the General Assembly;¹ General Assembly decision 61/561 and the report of the Open-ended Working Group on its work during the sixty-second session of the General Assembly;²"

3. The first round of the Intergovernmental Negotiations consisted of 15 meetings on the five key issues as defined in subparagraph ii of paragraph e of Decision 62/557.
4. Over the course of all these meetings, Member States implemented Decision 62/557 and the Work Plan by, with regard to the key issue under discussion, clarifying their original position where necessary and by not seldom demonstrating flexibility on it, including through new oral and written proposals. For his part, the Chair throughout the first round actively promoted interaction, particularly by giving Member States the opportunity to intervene twice, so they could react to and reciprocate the flexibility shown by their peers. In addition to interaction, the exchanges were characterized by an intense interest among Member States, with more than three quarters of the membership engaging – a substantial increase in comparison with the level of engagement in the Open-Ended Working Group of late.

¹ Official Records of the General Assembly, Sixty-first Session, Supplement No. 47 (A/61/47).

² Official Records of the General Assembly, Sixty-second Session, Supplement No. 47 (A/62/47).

5. On 4 and 5 March, Member States took advantage of the 4th, 5th and 6th meetings of the informal plenary to focus on categories of membership. The first cycle saw no less than 80 interventions, followed by 10 interventions in the second.
6. On 16 and 17 March, Member States took advantage of the 7th, 8th and 9th meetings of the informal plenary to focus on the question of the veto. The first cycle saw no less than 74 interventions, followed by 8 interventions in the second.
7. On 24 and 31 March, Member States took advantage of the 10th, 11th and 12th meetings of the informal plenary to focus on regional representation. The first cycle saw no less than 67 interventions, followed by 9 interventions in the second.
8. On 7 and 8 April, Member States took advantage of the 13th, 14th, 15th and 16th meetings of the informal plenary to focus on size of an enlarged Council and working methods of the Security Council. The first cycle saw no less than 79 interventions, followed by 11 interventions in the second.
9. Finally, on 20 April, Member States took advantage of the 17th and 18th meetings of the informal plenary to focus on the relationship between the Council and the General Assembly. The first cycle saw no less than 51 interventions, followed by 2 interventions in the second.
10. The first round of the negotiations, conducted by Member States in good faith, with mutual respect and in an open, inclusive and transparent manner, has evinced the membership-wide political will to make decisive progress during this GA session towards achieving the objective set by world leaders in paragraph 153 of the 2005 World Summit Outcome³.

"We support early reform of the Security Council – an essential element of our overall effort to reform the United Nations – in order to make it more broadly representative, efficient and transparent and thus to further enhance its effectiveness and the legitimacy and implementation of its decisions."

³ A/RES/60/1.

11. On their way to decisive progress, Member States during the first round received guidance from the Chair, in particular through letters preceding each exchange on a key issue. These letters, welcomed by the membership as an important impetus to the process, contained literal and integral excerpts from document A/61/47, defined in subparagraph iii of paragraph e of Decision 62/557 as part of the basis for the Intergovernmental Negotiations. Since overall the first round bore out and built on the content in general and the reform options in particular of those excerpts, the Chair's letters, attached herewith, should be considered an integral part of the present overview.
12. The principal options have been laid out below in paragraphs 14-17, incorporating the main thrust of the productive exchanges of the first round. This point of departure and reference for the second round should catalyze yet never circumscribe the forthcoming exchanges between Member States. After all, as also stated in paragraph 2 of the present overview, the substantive underpinning for the negotiations will continue to be constituted by documents A/61/47 (quoted in the Chair's letters) and A/62/47, GA Decision 61/561, and by the positions and proposals of Member States, regional groups and other Member States groupings, including new positions and proposals, oral and written, introduced in the first round.
13. All throughout the first round, the membership repeatedly and insistently professed its aspiration to move on towards an ever more comprehensive consideration of Security Council reform. For this purpose, guided by and based on the supreme authority and logic of our organization's constitution, the five key issues have been placed under the headings of Chapter V of the UN Charter on the Security Council: composition; functions and powers; voting; and procedure.

14. Composition

- a. Size
 - i. Low-twenties
 - ii. Mid-twenties
- b. Categories of membership
 - i. Enlargement in both current categories of membership, permanent and non-permanent two-year seats (negotiable: criteria for selection; nature of review or challenge).
 - ii. Enlargement in a new category of extended seats and in the current category of non-permanent two-year seats (negotiable: criteria for selection; length of terms [3-15] of extended seats; possibility of re-election to extended seats; nature of review or challenge; provisions to prevent "flip-flopping"⁴).
 - iii. Enlargement only in the current category of non-permanent two-year seats (negotiable: criteria for selection; possibility of re-election; nature of review or challenge).
- c. Regional representation
 - i. Addition of seats to current regional groups, giving due consideration to the criterion of equitable geographical distribution through an emphasis on the underrepresented regional groups, particularly Africa, Asia and the Group of Latin American and Caribbean States and, also, on the Group of Eastern European States (negotiable: arrangements for representation on the seats to be decided by the respective regional groups).
 - ii. Addition of seats to current regional groups specifically with a view to ensuring the representation of small and medium-sized states and of all cultures, religions and civilizations (negotiable: arrangements for representation on the seats to be decided by the respective regional groups).

⁴ Provisions to prevent countries from presenting candidatures for both the new category and the current non-permanent category at the same time or in short intervals.

15. Functions and powers

a. Relationship between the Security Council and the General Assembly

- i. Strict adherence to the functions and powers of, respectively, the Security Council and the General Assembly as set out in the Charter.
- ii. Submission by the Security Council to the General Assembly of a more substantive and analytical annual report, including on the implementation of Council decisions (and the organization of an informal and interactive debate on the report), and of special reports as provided for in paragraph 3 of Article 24 of the Charter.
- iii. Regular consultations between the President of the Security Council and the Presidents of other principal organs.

16. Voting

a. Veto

- i. Reform of the current veto (negotiable: formalizing explanations for the use of the veto; limiting the instances where it is used).
- ii. Extension of the veto to any new permanent members (negotiable: commitment not to use the veto until a future review).
- iii. No extension of the veto to any new permanent members.

17. Procedure

a. Working methods

- i. Better access for non-Council members to the work of the Council and its subsidiary bodies through transparency and information (negotiable: the adoption of formal rules of procedure; more public meetings, especially when UN officials brief the Council; more frequent substantive and detailed briefings on the work of the Council and its subsidiary bodies and early distribution of relevant documents, particularly draft resolutions and presidential statements).
- ii. Better access for non-Council members to the work of the Council and its subsidiary bodies through consultation (negotiable: rigorous implementation of Articles 31 and 32 of the Charter; timely and regular consultations with countries contributing human or financial resources to a peacekeeping operation; regular consultations with relevant regional arrangements and agencies, in accordance with the provisions of Chapter VIII of the Charter).

18. In order to sustain the considerable momentum generated by Member States over the course of the first round, new steps forward are imperative in the second round. As an overwhelming number of Member States have emphasized, within a more comprehensive consideration of Security Council reform, the achievement of decisive progress demands an explicit exploration of the connections between the key issues, with a view to further unlocking convergence potential. A nexus connecting both the five key issues to each other and, in the same vein, connecting a substantial mass of positions and proposals to each other, is the concept of review or challenge. The widely raised prospect of a reassessment of any arrangement by means of a review or challenge puts each and every component and the entirety of the reform in a different light.
19. Therefore, this nexus constitutes a logical entry point into the second round. Exchange 1 on the general nature, agenda, timing and frequency of any review or challenge will be followed by exchange 2 on the key issues under composition (paragraph 14) and exchange 3 on the key issues of paragraphs 15, 16 and 17. This act of scheduling by the Chair, who will continue to promote interaction as in the first round and to assist Member States in accordance with the President's Work Plan, shall enable the membership to advance in more in-depth and more comprehensive negotiations, before, in strict conformity with Decision 62/557, continuing during the third round to seek a solution that can garner the widest possible political acceptance by Member States.

Annex

- A. Letter dated 2 March 2009 from the Chair of the Intergovernmental Negotiations on Security Council reform
- B. Letter dated 13 March 2009 from the Chair of the Intergovernmental Negotiations on Security Council reform
- C. Letter dated 20 March 2009 from the Chair of the Intergovernmental Negotiations on Security Council reform
- D. Letter dated 3 April 2009 from the Chair of the Intergovernmental Negotiations on Security Council reform
- E. Letter dated 16 April 2009 from the Chair of the Intergovernmental Negotiations on Security Council reform



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در ملل متحد - نیویارک

2 March 2009

Excellency,

In strict conformity with the Work Plan elaborated by the President of the General Assembly and embraced by Member States during our successful 19 February launch of the Intergovernmental Negotiations on Security Council reform, I am herewith providing guidance to Member States on the path to decisive progress. Starting on 4 March, the membership will within two months conduct the first round of the Intergovernmental Negotiations in a comprehensive fashion along the lines of the five key issues as enumerated in GA Decision 62/557. During the sixty-first session of the General Assembly, the membership addressed Security Council reform along such lines, be it at an entirely different stage of the process and in an entirely different forum. Given our common purpose to, in an open process, build on rather than repeat, *inter alia*, the outcome of that previous exercise, let me for your convenience recite this outcome as far as categories of membership, the key issue to be dealt with on 4 March, is concerned, through an excerpt from document A/61/47, defined in subparagraph iii of paragraph e of Decision 62/557 as part of the basis for the Intergovernmental Negotiations:

"Categories of membership

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

- A large group of States continued to call for the enlargement of the Security Council in both categories of membership (permanent and non-permanent seats).
- A group of States, while defending an enlargement of the Security Council in both categories, is proposing that any new permanent seats holders enjoy all prerogatives of permanent members, including the veto right in the event that it is maintained.
- Another group of States reiterated its position of seeking the creation of a category of membership that is of a permanent character but, at least initially, without exercising the veto. Addition of new non-permanent seats is also proposed by this group.
- A group of States reiterated its position of accepting enlargement only in the category of non-permanent seats, while considering that no initial positions should be pre-empted for any future discussions of the issue. The creation of only



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non-permanent seats is also considered by a group of States as a possible fallback position in case no other satisfactory solution is found.

- Some Member States encouraged the exploration of a sort of an "interim" or "transitional solution" based on a longer-term renewability of seats. Likewise, other Member States expressed their readiness to explore a solution that would move the process ahead while enjoying broad acceptance.
- Some delegations, especially from small States, expressed the view that any solution should enhance their aspiration to serve on the Security Council.
- A large number of delegations expressed the view that in any expansion there is a need for ensuring a strengthened representation of developing countries and small States. A number of delegations stressed the need to take into account the wide cultural diversity within the international community.
- Some delegations expressed their wish to have the question of categories and the other issue-areas ascertained through a "questionnaire" addressed to Member States.
- The notion of accountability, both at the time of election (Article 23.2 of the Charter of the United Nations) and while serving in the Council (Article 24.2 of the Charter) has been addressed by delegations in relation with categories of membership:
 - A group belonging to a specific region is of the view that that region would be responsible for the selection of its representative States in an enlarged Council, which would be accountable to it.
 - Other Member States expressed the view that accountability could be ensured through a process of "challenge" within a review mechanism.

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

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



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The above excerpt from document A/61/47 should of course also be read in conjunction with, in particular, the new inputs and reaffirmed views as contained in document A/62/47, similarly defined in subparagraph iii of paragraph e of Decision 62/557 as part of the basis for the Intergovernmental Negotiations. Through his Work Plan, the President of the General Assembly has exhorted Member States to flesh out the substantive underpinning of the meetings, defined in subparagraphs i and iii of paragraph e of Decision 62/557, and to show the necessary flexibility. That is to say filling in any as of yet missing details of your position of first preference on the key issue under discussion, categories of membership in the case of our 4 March meeting, as well as sketching the contours of your position of second preference, should the former prove unrealizable in full at this stage. In that regard, I welcome recent and future new proposals and invite delegations to highlight the aspects of their proposals which relate to the key issue under discussion.

By giving off signals of flexibility, Member States can inject new life blood into the Intergovernmental Negotiations, which I strive to set up so as to facilitate a productive exchange among Member States. To that end, I encourage Member States to in their interventions react to and reciprocate the flexibility shown by their peers, and I am prepared to give delegations the floor for a second time, particularly in case the speaking order has prevented them from reacting and reciprocating at their first opportunity to speak. To make this interaction possible, Member States are urged to be concise and to limit their interventions to no longer than three minutes.

I am confident that the good faith and mutual respect in full display over the course of our 19 February meeting will take us very far very fast. For my part, as Chair of the Intergovernmental Negotiations, I will continue to facilitate the achievement of decisive progress, inter alia by having a similar letter precede each meeting on each individual key issue. As I already stated in my 19 February closing remarks, the treatment of each individual key issue could go on for more than a day, without however disrupting the time schedule as laid out in the President's Work Plan. Also in strict conformity with that plan, I will provide Member States with an overview after they finish the first round before the end of April. This comprehensive paper will then serve as a point of departure for the second round immediately thereafter, during which Member States can close in on compromise.

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

Zahir Tanin

Zahir Tanin,
Permanent Representative of the Islamic Republic of Afghanistan to the United Nations,
Chair of the Intergovernmental Negotiations on the question of equitable representation
and increase in the membership of the Security Council and other matters related to the
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13 March 2009

Excellency,

In strict conformity with the Work Plan elaborated by the President of the General Assembly and embraced by Member States during our successful 19 February launch of the Intergovernmental Negotiations on Security Council reform, I am herewith providing guidance to Member States on the path to decisive progress. Following our productive 4 and 5 March exchange on categories of membership, Member States on 16 March will address the question of the veto, the next of the five key issues as enumerated in GA Decision 62/557. During the sixty-first session of the General Assembly, the membership addressed Security Council reform along such lines, be it at an entirely different stage of the process and in an entirely different forum. Given our common purpose to, in an open process, build on rather than repeat, inter alia, the outcome of that previous exercise, let me for your convenience recite this outcome as far as the question of the veto is concerned, through a literal and integral excerpt from document A/61/47, defined in subparagraph iii of paragraph e of Decision 62/557 as part of the basis for the Intergovernmental Negotiations:

"The question of the veto

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

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



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

Member States considered that extension of the veto presupposes agreement on the addition of new permanent members. Permanent members themselves did not rule out extending the veto, depending on the number of prospective new permanent members and which those would be. Their position ranged from offering qualified support to the draft resolution of the Group of Four (G-4) to being ready to add one or two new members to the group of five permanent members (P-5) and extending the veto to a representative from a region currently without it.

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

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

Permanent members recognized that the wider membership had concerns regarding the veto but did not consider that it was misused; rather, they insisted that the veto is exercised with restraint. However, they did not exclude the prospect of finding ways among themselves to appease those concerns, including, for most of them, through: (a) a voluntary commitment in this respect; or (b) an oral understanding that



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permanent members would agree to a non-legally binding statement once the reform process has been agreed upon.

Despite nuances, permanent members alluded to the limits of what could be agreed vis-à-vis the veto. The abolition or modification of the veto would not be ratifiable through a Charter amendment. This includes legally binding regulation of the veto or General Assembly guidelines on how to exercise it. The involvement of the Assembly in matters falling within what permanent members consider to be exclusive competence of the Security Council is not amenable, nor is explanation of the use of veto before the Assembly (the P-5 consider that the two organs stand on an equal footing). Most permanent members based their acceptance of enlargement and other reform of the Council on preserving the essence of their veto power.

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

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

Member States which addressed the use of the veto as a source of non-action on the part of the United Nations expressed varying views on whether and how this could be remedied. The mechanism created through General Assembly resolution 377 (V) of 3 November 1950 was accepted as an alternative by some but deemed either ineffective and/or undesirable by others. No concrete suggestions were suggested on how the Assembly might exercise a subsidiary role in those instances where the primary responsibility of the Security Council for the maintenance of international peace and security is not exercised because of a veto. Member States did, however, stress that the Assembly should do more to fully exercise its competencies under Articles 10 to 12 of



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the Charter, including by examining matters of peace and security, and calling on the Council to take relevant action. This could exhort the Council to take action on a situation, provide the viewpoint of the wider membership to the Council on a particular issue and contain the veto through input that would deter its use. The awareness by the Council of the pronouncement of the Assembly on a certain issue would make it difficult for the Council to subsequently ignore the collective will of the international community and be silent on account of a veto.

In the above consultations it transpired that one pragmatic option concerning veto reform at this stage is the possibility of a pledge by the permanent members to exercise the veto with restraint. While this would not amount to a legally binding measure, some Member States have indicated that this would have an impact in practical terms. It was reasoned that indirect limitation/regulation of the veto and the influence of permanent members could be achieved to some degree through the cumulative impact of reform. It was also suggested that enlargement itself amounts to a de facto limitation of the power of the veto because permanent members will constitute less than 25 per cent of the Security Council and the responsibility to block action through veto will be substantially heavier. As the veto is viewed as synonymous with the influence, of the permanent five members, it is particularly pertinent to note that the enhanced presence and voting might of members other than the permanent five is believed by many to limit the influence of permanent members on decision-making, including decision-making that is exclusively power balance-driven. Lastly, it was suggested that the power stemming from possession of the veto (implicit veto) would diminish if the Council operated in a manner that allowed for less pressure to be exerted on non-permanent members."

The above excerpt from document A/61/47 should of course also be read in conjunction with, in particular, the new inputs and reaffirmed views as contained in document A/62/47, similarly defined in subparagraph iii of paragraph e of Decision 62/557 as part of the basis for the Intergovernmental Negotiations. Through his Work Plan, the President of the General Assembly has exhorted Member States to flesh out the substantive underpinning of the meetings, defined in subparagraphs i and iii of paragraph e of Decision 62/557, and to show the necessary flexibility. Accordingly, on 4 and 5 March, Member States with regard to the key issue under discussion clarified their original position where necessary and not seldom demonstrated flexibility on it, including through new proposals.

This way, Member States are injecting new life blood into the negotiations. For my part, as Chair of the Intergovernmental Negotiations, I will continue to promote the interactive nature of our meetings, just as I did on 4 and 5 March. Member States will

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thus again be given the opportunity to intervene twice, this time by means of a list of speakers, so they can react to and reciprocate the flexibility shown by their peers, but are also again urged to be concise and to limit their interventions to no longer than three minutes. I remain confident that the good faith and mutual respect in full display over the course of our negotiations hitherto will take us very far very fast.

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

Zahir Tanin

Permanent Representative of the Islamic Republic of Afghanistan to the United Nations

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20 March 2009

Excellency,

In strict conformity with the Work Plan elaborated by the President of the General Assembly and embraced by Member States during our successful 19 February launch of the Intergovernmental Negotiations on Security Council reform, I am herewith providing guidance to Member States on the path to decisive progress. Following our productive 16 and 17 March exchange on the question of the veto, Member States on 24 March will address regional representation, the next of the five key issues as enumerated in GA Decision 62/557. During the sixty-first session of the General Assembly, the membership addressed Security Council reform along such lines, be it at an entirely different stage of the process and in an entirely different forum. Given our common purpose to, in an open process, build on rather than repeat, inter alia, the outcome of that previous exercise, let me for your convenience recite this outcome as far as regional representation is concerned, through a literal and integral excerpt from document A/61/47, defined in subparagraph iii of paragraph e of Decision 62/557 as part of the basis for the Intergovernmental Negotiations:

"Question of regional representation

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

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



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بر ملل متحد - نیویارک

In the course of the discussion there seemed to be a twofold understanding of the term "regional representation":

- *Some delegations identified the term "regional representation" as identical to the "equitable geographical distribution" as contained in Article 23.1 of the Charter.*
- *Other delegations expressed the view that the term "regional representation" should be understood as the regional seat leading to regional accountability. They argued that the notion of regional representation, in the sense of Member States representing regional views, could be explored further. Different options were suggested, such as candidatures to be proposed directly by Member States or through regional consensus, it being understood that the final decision is to be taken by the General Assembly through the election process as set out in the Charter. Another suggestion was that members of the Council should be deemed, if they so wish, to also represent the views of regional groups to which they belong while continuing to act in accordance with the purposes and principles of the United Nations.*
- *However, a wide number of delegations felt that, at this stage, the non-permanent members of the Security Council, although proposed on a regional basis, could not represent their respective regions. Rather, as members of the Council, they should have a global accountability and an obligation to the international community as a whole.*
- *In addition, many delegations were of the view that the concept of regional seats, given the different character of each regional group as well as the existing differences in their internal working procedures, was not feasible at this stage.*

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

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



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

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

- The above excerpt from document A/61/47 should of course also be read in conjunction with, in particular, the new inputs and reaffirmed views as contained in document A/62/47, similarly defined in subparagraph iii of paragraph e of Decision 62/557 as part of the basis for the Intergovernmental Negotiations. Through his Work Plan, the President of the General Assembly has exhorted Member States to flesh out the substantive underpinning of the meetings, defined in subparagraphs i and iii of paragraph e of Decision 62/557, and to show the necessary flexibility. Accordingly, during our meetings so far, Member States with regard to the key issue under discussion have clarified their original position where necessary and have not seldom demonstrated flexibility on it, including through new proposals.

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This way, Member States are injecting new life blood into the negotiations. For my part, as Chair of the Intergovernmental Negotiations, I will continue to promote the interactive nature of our meetings. Member States will thus again be given the opportunity to intervene twice, so they can react to and reciprocate the flexibility shown by their peers, but are also again urged to be concise and to limit their interventions to no longer than three minutes. I remain confident that the good faith and mutual respect in full display over the course of our negotiations hitherto will take us very far very fast. As I already announced in my 17 March closing remarks, on 9 April we will focus on the size of an enlarged Council and working methods of the Security Council, followed on 21 April by a meeting on the relationship between the Council and the General Assembly, the last of the five key issues.

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

Zahir Tanin

Permanent Representative of the Islamic Republic of Afghanistan to the United Nations

Chair of the Intergovernmental Negotiations on the question of equitable representation and increase in the membership of the Security Council and other matters related to the Council

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April 3, 2009

Excellency,

In strict conformity with the Work Plan elaborated by the President of the General Assembly and embraced by Member States during our successful 19 February launch of the Intergovernmental Negotiations on Security Council reform, I am herewith providing guidance to Member States on the path to decisive progress. Following our productive 24 and 31 March exchange on the question of regional representation, Member States on 7 April will address size of an enlarged Security Council and working methods of the Council, the next of the five key issues as enumerated in GA Decision 62/557. During the sixty-first session of the General Assembly, the membership addressed Security Council reform along such lines, be it at an entirely different stage of the process and in an entirely different forum. Given our common purpose to, in an open process, build on rather than repeat, *inter alia*, the outcome of that previous exercise, let me for your convenience recite this outcome as far as size of an enlarged Security Council and working methods of the Council is concerned, through a literal and integral excerpt from document A/61/47, defined in subparagraph iii of paragraph e of Decision 62/557 as part of the basis for the Intergovernmental Negotiations:

"Size of an enlarged Security Council

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

- The size of an enlarged Security Council cannot be judged in isolation from other conditioning issues, such as equitable regional representation and the categories of membership. Determining the size of an enlarged Council was guided, for example, by the aspirations of regions to be satisfied with their representation, rather than a theoretical number decided a priori.*
- Opinions as to the size of an enlarged Security Council vary. Many Member States gave specific preferred numbers, while others expressed the view that they are open to suggestions, some of them provided that additional considerations are taken into account.*
- Some Member States expressed that among the main criteria that ought to be considered in determining the size of an expanded Security Council are equitable geographical distribution, enhanced credibility, efficiency and effectiveness of the Council. A number of delegations added criteria such as the financial and diplomatic*



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contributions to the United Nations and respect for democracy and human rights. Others preferred to adhere solely to the criteria enunciated in Article 23 (1) of the Charter, i.e. "due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution".

- *The "efficiency" and "effectiveness" of an enlarged Security Council were considered by some delegations, in particular, but not only, permanent members of the Council, as paramount elements for a Council that is supposed to act swiftly in the face of crises. Other delegations argued that efficiency does not necessarily result from a reduced size and that efficiency (or efficacy) could ultimately improve by enlargement in more representative higher numbers.*
- *Some Member States lamented the current configuration of regional groups, as not representative of like-minded States, but agreed, as most members did, that it would not be advisable to revisit existing regional groups, notwithstanding the wish expressed by some that an expanded Security Council should consider seats for small States or States of particular cultures and civilizations.*
- *A significant number of Member States, both developed and developing, from different regions, believe that the size of an expanded Security Council should remedy the underrepresentation of developing countries, particularly from Africa, Asia, Latin America and the Caribbean.*
- *A number of delegations, while stressing that the Security Council should properly represent current world reality, expressed their desire to see an adequate correlation between the number of members in the Council and the membership of the General Assembly. They pointed out that the ratio between the Council and the general membership of the United Nations was 21 per cent in 1945 (a ratio of 1:5), 13 per cent in 1965 (a ratio of 1:8) and less than 8 per cent (a ratio of 1:13) at the present time.*
- *A limited expansion of seats has been advocated by Member States on grounds of efficiency and agility of the Security Council to confront crises. Other Member States favour a larger expansion of seats based on the representativity of the Council.*
- *In the view of some Member States, an increase in the number of seats, even if solely in the non-permanent category, would entail a rebalancing of the power structure within the Security Council. More members would require new higher proportions of votes to approve resolutions, as the weight percentage of permanent members would decline.*
- *While some Member States addressed the question of size from the perspective of a one-time expansion, some Member States felt that a review conference should revisit the issue of size in the context of a transitional approach.*



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- *Despite the fact that views on the exact size of an expanded Security Council differ among Member States, they do not seem irreconcilable.*

***Working methods of the Security Council and the relationship between the
Security Council and the General Assembly***

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

- *Some Member States offered another perspective on the relationship between the working methods and expansion of the Security Council. Many (smaller) Member States serve relatively sporadically on the Council, and would do so even in the event that there is an expansion. For those Member States, improved working methods, and thus better access as non-Council members to the work of the Council, is of essential importance.*
- *Member States alluded to the relationship of the Security Council to the General Assembly. Most Member States put this issue in the context of the so-called encroachment of the Council on the Assembly. It was argued that this had much to do with the broadening definition of "security". Working with this broad definition, the Council was increasingly discussing subjects that would, arguably, fall under the competence of the Assembly. Most however felt that it was difficult to address this issue in the context of Security Council reform.*
- *As to the substance of the working methods, many Member States welcomed several initiatives that have recently been taken, such as the draft resolution by Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland (S-5) and the recent note by the President of the Security Council on working methods (S/2006/507). Many Member States saw as the central aim of improved working methods to ensure better access for non-Council members to the work of the Council. The access seemed to have distinct components: information, consultation and cooperation.*
- *With regard to access through information, Member States felt that timely and substantive information on the work of the Security Council would lead to more transparency. This would not only enable them to better follow the proceedings, but would also allow Member States to informally exert influence on the decision-making process. Concrete suggestions that were made by Member States included:*



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- Better notification to all Member States of all Council meetings, including unscheduled meetings, and early distribution of draft resolutions.
 - More frequent briefings by the President of the Security Council and by the chairmen of the subsidiary bodies. Distribution to all Member States of reports of the meetings of the subsidiary bodies.
 - Institutionalized periodic review of the implementation of Council mandates and decisions.
- On better access through consultations, Member States indicated an interest to have direct, real access to the Security Council in cases where their interests were specially affected and, in particular, when they have an item on the agenda (both in open and private meetings). It was widely felt that this would increase the legitimacy of the Council's decisions without necessarily infringing on the prerogatives of the Council. The following suggestions were made:
- A mechanism should be established to ensure that Member States whose interests are specially affected will be heard upon request at private meetings of the Council, as well as in the work of the subsidiary bodies.
 - Consistent consultations with potential troop-contributing countries in the early phase of a new operation, with the participation of the host country, where appropriate, and regular substantive meetings during ongoing operations.
- As already stated, it was also argued that better access could be achieved by means of expanding on the mechanisms for interaction between United Nations bodies, most notably between the Security Council and General Assembly. The following suggestions were made:
- The Security Council should issue special subject-oriented reports (Article 24.3 of the Charter) for discussion in the General Assembly. This could include reports on the understanding of the mandate of the Council, for example what is the definition of "international peace and security".
 - In addition to increased cooperation between the Security Council and the General Assembly, a regularized, substantive dialogue should also be established with the Economic and Social Council, the Human Rights Council and the Peacebuilding Commission (also on the implementation of the respective mandates).

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

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During the 20 April meeting, we will focus particularly on the relationship between the Security Council and the General Assembly, and so we kindly ask you to, to the extent possible, limit your remarks at the 7 April meeting to the issue under discussion, namely the size of an enlarged Security Council and the working methods of the Council.

The above excerpt from document A/61/47 should of course also be read in conjunction with, in particular, the new inputs and reaffirmed views as contained in document A/62/47, similarly defined in subparagraph iii of paragraph e of Decision 62/557 as part of the basis for the Intergovernmental Negotiations. Through his Work Plan, the President of the General Assembly has exhorted Member States to flesh out the substantive underpinning of the meetings, defined in subparagraphs i and iii of paragraph e of Decision 62/557, and to show the necessary flexibility. Accordingly, during our meetings so far, Member States with regard to the key issue under discussion clarified their original position where necessary and not seldom demonstrated flexibility on it, including through new proposals.

This way, Member States are injecting new life blood into the negotiations. For my part, as Chair of the Intergovernmental Negotiations, I will continue to promote the interactive nature of our meetings. Member States will thus again be given the opportunity to intervene twice, so they can react to and reciprocate the flexibility shown by their peers, but are also again urged to be concise and to limit their interventions to no longer than three minutes. I remain confident that the good faith and mutual respect in full display over the course of our negotiations hitherto will take us very far very fast.

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

Zahir Tanin

Permanent Representative of the Islamic Republic of Afghanistan to the United Nations

Chair of the Intergovernmental Negotiations on the question of equitable representation and increase in the membership of the Security Council and other matters related to the Council

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16 April 2009

Excellency,

In strict conformity with the Work Plan elaborated by the President of the General Assembly and embraced by Member States during our successful 19 February launch of the Intergovernmental Negotiations on Security Council reform, I am herewith providing guidance to Member States on the path to decisive progress. Following our productive 7 and 8 April exchange on size of an enlarged Council and working methods of the Security Council, Member States on 20 April will address the relationship between the Council and the General Assembly, the last of the five key issues as enumerated in GA Decision 62/557. During the sixty-first session of the General Assembly, the membership addressed Security Council reform along such lines, be it at an entirely different stage of the process and in an entirely different forum. Given our common purpose to, in an open process, build on rather than repeat, inter alia, the outcome of that previous exercise, let me for your convenience recite this outcome as far as the relationship between the Council and the General Assembly is concerned, through a literal and integral excerpt from document A/61/47, defined in subparagraph iii of paragraph e of Decision 62/557 as part of the basis for the Intergovernmental Negotiations:

"Working methods of the Security Council and the relationship between the Security Council and the General Assembly

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

- *Some Member States offered another perspective on the relationship between the working methods and expansion of the Security Council. Many (smaller) Member States serve relatively sporadically on the Council, and would do so even in the event that there is an expansion. For those Member States, improved working methods, and thus better access as non-Council members to the work of the Council, is of essential importance.*
- *Member States alluded to the relationship of the Security Council to the General Assembly. Most Member States put this issue in the context of the so-called encroachment*



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of the Council on the Assembly. It was argued that this had much to do with the broadening definition of "security". Working with this broad definition, the Council was increasingly discussing subjects that would, arguably, fall under the competence of the Assembly. Most however felt that it was difficult to address this issue in the context of Security Council reform.

- As to the substance of the working methods, many Member States welcomed several initiatives that have recently been taken, such as the draft resolution by Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland (S-5) and the recent note by the President of the Security Council on working methods (S/2006/507). Many Member States saw as the central aim of improved working methods to ensure better access for non-Council members to the work of the Council. The access seemed to have distinct components: information, consultation and cooperation.

- With regard to access through information, Member States felt that timely and substantive information on the work of the Security Council would lead to more transparency. This would not only enable them to better follow the proceedings, but would also allow Member States to informally exert influence on the decision-making process. Concrete suggestions that were made by Member States included:

- Better notification to all Member States of all Council meetings, including unscheduled meetings, and early distribution of draft resolutions.
- More frequent briefings by the President of the Security Council and by the chairmen of the subsidiary bodies. Distribution to all Member States of reports of the meetings of the subsidiary bodies.
- Institutionalized periodic review of the implementation of Council mandates and decisions.

- On better access through consultations, Member States indicated an interest to have direct, real access to the Security Council in cases where their interests were specially affected and, in particular, when they have an item on the agenda (both in open and private meetings). It was widely felt that this would increase the legitimacy of the Council's decisions without necessarily infringing on the prerogatives of the Council. The following suggestions were made:

- A mechanism should be established to ensure that Member States whose interests are specially affected will be heard upon request at private meetings of the Council, as well as in the work of the subsidiary bodies.
- Consistent consultations with potential troop-contributing countries in the early phase of a new operation, with the participation of the host country, where appropriate, and regular substantive meetings during ongoing operations.

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• As already stated, it was also argued that better access could be achieved by means of expanding on the mechanisms for interaction between United Nations bodies, most notably between the Security Council and General Assembly. The following suggestions were made:

- The Security Council should issue special subject-oriented reports (Article 24.3 of the Charter) for discussion in the General Assembly. This could include reports on the understanding of the mandate of the Council, for example what is the definition of "international peace and security".
- In addition to increased cooperation between the Security Council and the General Assembly, a regularized, substantive dialogue should also be established with the Economic and Social Council, the Human Rights Council and the Peacebuilding Commission (also on the implementation of the respective mandates).

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

Since the working methods of the Council were already addressed during our productive 7 and 8 April exchange, I kindly ask you to, to the extent possible, limit your remarks at the 20 April meeting to the issue under discussion, namely the relationship between the Council and the General Assembly.

The above excerpt from document A/61/47 should of course also be read in conjunction with, in particular, the new inputs and reaffirmed views as contained in document A/62/47, similarly defined in subparagraph iii of paragraph e of Decision 62/557 as part of the basis for the Intergovernmental Negotiations. Through his Work Plan, the President of the General Assembly has exhorted Member States to flesh out the substantive underpinning of the meetings, defined in subparagraphs i and iii of paragraph e of Decision 62/557, and to show the necessary flexibility. Accordingly, during our meetings so far, Member States with regard to the key issue under discussion clarified their original position where necessary and not seldom demonstrated flexibility on it, including through new proposals.

This way, Member States are injecting new life blood into the negotiations. For my part, as Chair of the Intergovernmental Negotiations, I will continue to promote the interactive nature of our meetings. Member States will thus again be given the opportunity to intervene twice, so they can react to and reciprocate the flexibility shown by their peers, but are also again urged to be concise and to limit their interventions to no longer than three minutes. I remain confident that the good

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faith and mutual respect in full display over the course of our negotiations hitherto will take us very far very fast.

In strict conformity with the Work Plan, the consideration of the relationship between the Council and the General Assembly will conclude the first round, with the second round to commence in May. While Member States have been generating considerable momentum, new steps forward will be necessary in the second round to sustain it. On my continued efforts to implement the Work Plan and to facilitate the achievement of decisive progress I will inform the membership well in advance.

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

Zahir Tanin

Permanent Representative of the Islamic Republic of Afghanistan to the United Nations

Chair of the Intergovernmental Negotiations on the question of equitable representation and increase in the membership of the Security Council and other matters related to the Council