

AVOIDING CRISIS

Towards a legitimate and effective UN Security Council

Elect the Council is an international campaign for the reform of the United Nations Security Council (UNSC).



www.electthecouncil.org

Elect the Council (www.electthecouncil.org) is an international campaign for the reform of the United Nations Security Council (UNSC). In addition to engagement with UN member states, support and participation is being solicited from civil society, churches, business, non-governmental organisations and regional groupings. Elect the Council is working towards an enabling resolution to effect UNSC reform by two-thirds of the members of the UN General Assembly, based on a detailed set of recommendations tailored to the emerging world order. The campaign is co-ordinated by the Institute for Security Studies (ISS) (www.issafrica.org).

The United Nations Security Council (UNSC) is fundamental to a rules-based global order and to the maintenance of global peace and security. However, at a time of rapid global change the council is losing legitimacy and effectiveness, and experiences less adherence to its decisions in general. The world needs a more legitimate, representative and effective UNSC to manage a crowded and interconnected 21st century.

Beyond a potential nuclear conflagration and the enduring (if declining) challenge of interstate conflict, future global security challenges include the impact of climate change, the threat of pandemics, nuclear terrorism and cybercrime. History also speaks to the risks inherent in shifting power relations between great powers at a time of significant changes in their influence and economic size. These elevated risks are exacerbated by major powers turning away from multilateralism, eschewing collaboration or developing their own regional institutions. Multipolarity without sufficient multilateralism is a dangerous trend.

The world needs a more legitimate, representative and effective UNSC to manage a crowded and interconnected 21st century.

The reform of the UNSC has been on the agenda of the UN General Assembly for several decades. Yet there is no prospect of progress in the current deadlocked intergovernmental negotiations at the UN in New York. A political and intellectual leap is required to overcome the current frustrating impasse between the various negotiating positions and groups. This document outlines such a fresh approach. It is based on clear and realistic first principles.

It recognises the need for international collaboration in managing global risks despite the inevitably competitive nature of inter-governmental power politics. A reformed UNSC needs to be grounded in much greater equity among states. However, given the disparities in economic size, populations and influence, it cannot consist of countries elected through only a direct proportional system. An enlarged council needs to recognise and accommodate emerging geo-political realities at regional and global levels. At the same time it must address the legacy power of the five permanent UNSC members and their veto, which is at the heart of the UNSC's dysfunction.

Elect the Council proposes to end the veto and permanent UNSC membership in favour of a proportional system of elections (for three-year tenures) to an enlarged and reformed council, bound to four technical criteria for candidacy. It also makes provision for the automatic inclusion of global powers – or coalitions of countries that wish to act in concert within the council – that exceed a set proportion of the global population, economy and contribution to the UN budget. These global powers or coalitions will have enhanced voting rights but no veto. Instead, all UNSC decisions will require an affirmative two-thirds majority of votes cast.

The UNSC is at the apex of UN functionality, so a reformed council will unlock many other gains in the organisation and its associated structures and agencies. There can be no real UN reform without changes to the UNSC. Secretary-General António Guterres has been forthright about this. Without its reform the entire UN system becomes increasingly irrelevant, with potentially disastrous consequences for regions such as Africa, Latin America and the Middle East.

Elect the Council proposes an 18-year transition to phase in the new system, after which the council will have 24 elected states plus two or three members (or coalitions) that qualify for membership through their size and influence.

In order to accommodate some of the world's more intractable and long-running disputes, the outgoing UNSC will be requested to list up to five issues that for 20 years may not be subject to an additional Chapter VII UNSC resolution beyond updates, removal or maintenance.

A mandatory review of the UNSC will occur every 30 years, to be concluded within three years.

We are under no illusion as to the size of the challenge. But it is better to work now towards constructive reform than to wait until a crisis forces it upon a fragile world order, with consequences that are as dangerous as they are unpredictable.

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The United Nations Security Council (UNSC) was established in 1945 after six years of unprecedented global conflict. Much as the UNSC fulfilled its main function of preventing another global conflict, this time between nuclear-armed states, it failed to build a mechanism to account for future shifts in global power.

A mere 51 states signed the founding UNSC charter 72 years ago, with permanent membership and veto powers assigned to the United States (US), China, Russia, France and the United Kingdom (UK) - the P5. Today only the US and China occupy a global leadership role, and the current P5 no longer represents the primacy of economic and military power, population size or technological leadership.

The UN system has, for more than seven decades, driven substantial improvements to the daily lives of all the world's people. Established in the wake of the most devastating war in modern history, the UNSC, despite its many flaws, has contributed immeasurably to the management of global conflict, including the avoidance of a nuclear conflagration. UN peacekeepers and observer missions have stabilised dozens of conflict situations and helped to establish the foundations for peace and development in many fragile and conflict-torn countries. Efforts at peacemaking and conflict prevention have also defused potential conflicts. Despite frequent rumblings of discontent, no country has felt strongly enough about its treatment at the hands of the UNSC to leave the UN, in spite of being placed under sanction or subjected to armed action authorised by the council. The council has established a system and practice of rule by law.

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Yet we cannot assume that this generally favourable situation will continue, or that the rules-based system will endure. Wealthy states are frustrated by the waste and inefficiency within the UN system while poor states complain about the lack of representation on the UNSC. Stalled reforms of the council cause the whole UN system to suffer, with deep political divides spilling over into other UN processes and leading to vote-buying.

The current impasse on UNSC reform blocks progress and efficiency at many other levels, including the reform of the secretariat, the UN General Assembly (UNGA), the Economic and Social Council (ECOSOC) and the Human Rights Council. It also threatens the legitimacy and efficacy of other important global institutions, such as the International Criminal Court (ICC). The result is an organisation divided between the power of the majority and the power of the purse. The consequences of a split between states that favour a more interventionist approach to peace and security, and those that emphasise national sovereignty, are becoming ever more pronounced.

There will never be a perfect moment to change the UNSC. Reform is long overdue and the need becomes greater as global interdependence accumulates. The longer it takes the more difficult it will become to implement change in an increasingly turbulent, interconnected and dynamic world characterised by rapid shifts in power. The current UNSC still has significant legitimacy and serves as a primary shock absorber through which the international community can confront shared challenges and responsibilities. It remains the only executive body on international peace and security issues; and its decisions are binding. But we cannot assume that this situation will continue indefinitely.

The UN today has 193 member states that coexist, compete and co-operate in a world that is very different from the one that had emerged at the end of World War 2. The world's population has increased threefold. Regions such as Africa have evolved from colonies to independent states. The 21st century is characterised by a diffusion of power away from states and a shift in material power and influence from countries bordering the North Atlantic to the Pacific and Indian oceans.

The world is vastly more interconnected, but the surge in physical and digital communication has created new global security risks. The result is a turbulent and brittle global system. Conflict between states has decreased but turbulence within states appears to be on the increase, although fatalities from armed conflict are still below levels seen at the end of the Cold War. At the same time, transnational threats such as terrorism and cybercrime are straining national capacities.

The veto power of the P5 lies at the heart of the challenges that confront the reform of the council. A P5 member can prevent the adoption of any non-procedural UNSC resolution not to its liking. Even the threat of a veto may lead to changes in a resolution or to a resolution's being withheld altogether. These inefficiencies clearly serve the interests of the P5 by enabling them to block action within the council and giving them the freedom to act outside it in their own national interests. The result is a dysfunctional and increasingly illegitimate system, with declining relevance and impact.

Since the UNSC is at the apex of the UN system, the power granted to the P5 cascades through every level of the organisation and its structures. Instead of protecting the weak against the strong, the anachronistic privilege of the veto undermines principled consensus. The veto regularly prevents the council from acting on pressing international issues. It affords the P5 inordinate influence within the UN system as a whole, including the appointment of the UN secretary-general and amendments to the UN Charter. It detracts from the legitimacy and effectiveness of the entire UN system and has hamstrung effective reform of the UN Human Rights Council, ECOSOC and the multitude of UN agencies and bodies.

In the case of international financial institutions, the lack of reform in the distribution of voting rights has already seen the establishment of alternative financial bodies.

It can only be a matter of time before the same happens to the UNSC. Already the politics and conduct of the council vis-à-vis the ICC, where non-members determine the referral of matters to the court, have hobbled its functioning.

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This fragmentation in global security governance brings great uncertainty to an already fragile world. It is a dangerous and unnecessary risk.

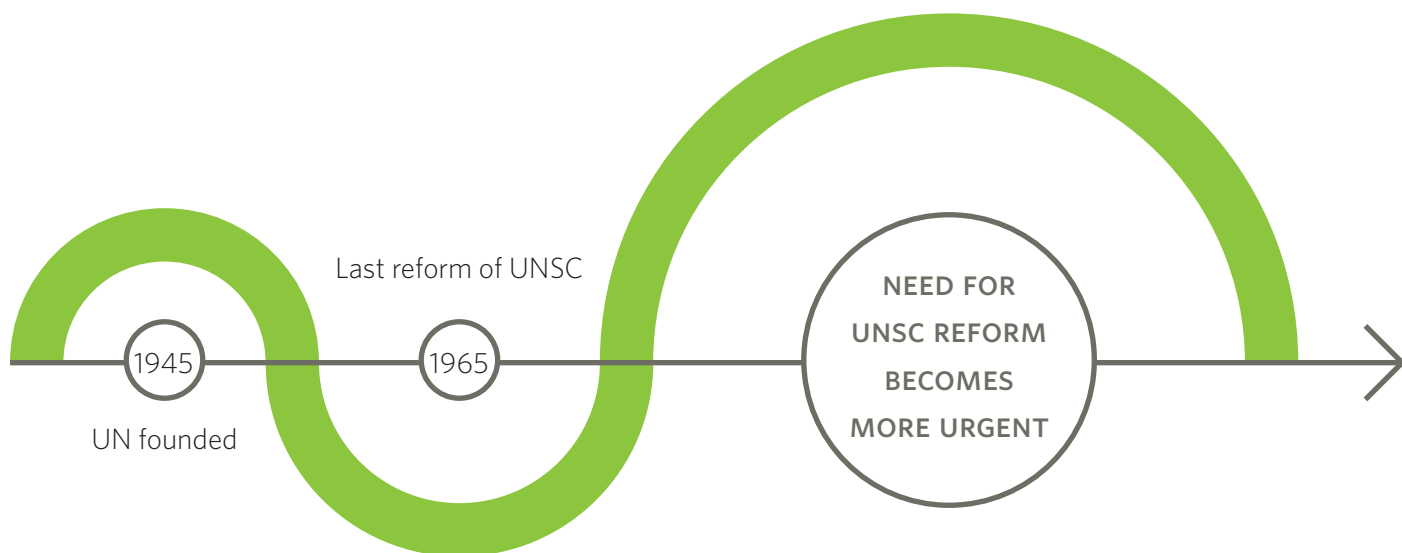
The last reform of the UNSC was more than 50 years ago, in 1965, when the number of non-permanent seats was increased from six to 10.

More substantial reform has been on the agenda of the UNGA since 1979, with very little progress despite multiple initiatives. Vested interests and national rivalries have helped to ensure that meaningful reform keeps stalling.

Regional blocs battle each other to stalemate and the reform process is effectively moribund. The prospects for progress are faint. After 38 years we do not even have a negotiating text despite the best efforts of the world's top diplomats.

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That alone makes the argument for a fresh approach. The efforts over recent decades have proven that there is no 'sweet spot' or consensus possible in the entrenched positions of the various negotiating blocks. It is time for new thinking and a different approach.



RECENT REFORM EFFORTS

In April 2015, after several months of consultations, the then chairperson of the intergovernmental committee on UNSC reform, Jamaican Ambassador E Courtenay Rattray, embarked on a clean slate approach.

Instead of trying to end the impasse, he circulated a one-page 'framework' consisting of various headings that member states were requested to populate with their suggestions on reform. By mid-May Rattray had received inputs from states and groups that represented close to two-thirds of the member states of the UN. This included contributions from 30 individual states plus the Africa Group, the L69 (representing states from Africa, Latin America and the Caribbean, Asia and the Pacific), the G4 and Guyana (on behalf of 12 small island states). These recommendations were subsequently summarised in a 24-page consolidated framework document.

The response to Rattray's initiative was impressive, but opposition remained strong. Several blocks and states (the Arab Group, Uniting for Consensus, China, the Russian Federation, the US and the Lao People's Democratic Republic) did not want their proposals to be included in the body of summarised text, while a number of states appeared to be members of two or more groups and apparently supported different proposals.

China rejected Rattray's approach, deferring to an earlier negotiation text, and was initially supported by Italy (on behalf of the UfC) as well as the Arab Group. Although not rejecting the clean slate approach, Russia and the US, in their separate responses, insisted that no reform should tamper with the prerogatives of the current permanent members, including the right of veto. France indicated it would not oppose the expansion of the veto to additional permanent members while the UK opposed such an expansion.

In August 2015 the president of the UNGA, Ugandan Foreign Minister Sam Kutesa, distributed a slightly shorter version of the populated framework, with dissenting opinions still reflected in an annex.

On 14 September 2015 the UNGA adopted by consensus Decision 69/650 in which member states decided to immediately continue the Intergovernmental Negotiations (IGN) during the 70th session of the assembly. The declared aim was to build on informal meetings during the previous session, as well as on the positions of and proposals made by member states.

Eventually Rattray's reappointment was prevented by some P5 members putting pressure on the government of Jamaica.

After a number of desultory meetings where member states restated their well-known positions, on 17 May 2016 the president of the UNGA circulated a letter and a short attachment: 'Elements of convergence on two key issues of Security Council reform: the relationship between the Council and the General Assembly, and the size of an enlarged Security Council and working methods of the Council'. It appeared to abandon the efforts to develop a text for negotiation.

The president of the UNGA for the 71st session subsequently appointed two co-chairs of the intergovernmental process.

Ahead of the third IGN session early in April 2017 the co-chairs circulated a short document on elements of convergence, communalities and issues for further conversation, known as Food for Thought.

Following the Malabo Consultative Summit in May 2017 the Africa Group rejected the original and revised Food for Thought and reaffirmed its support for the text circulated by the president of the UNGA in August 2015.

Despite these objections, by June 2017 the Food for Thought document had morphed into a 6-page document laboriously titled 'Elements of Community and issues for further discussion - on the question of equitable representation and increase in the membership of the Security Council and related matters'. The elements document clearly reveals the lack of progress or indeed prospects for progress, concluding with a list of 22 'issues for further consideration'.

(See Annex A for additional information on previous efforts at UNSC reform.)

As was evident from its recent inability to act on Syria and Ukraine, the UNSC is paralysed by an actual or threatened veto by any of the P5.

The veto – and its associated permanent seats – is the most serious impediment to the ability of the UNSC to fulfil its global mandate.

Most of the ‘penholders’ that take charge of a particular topic are among the P5, and every draft resolution needs to satisfy all the P5 members. The result is frequently a rush to the lowest common denominator, with efforts to keep the P5 on board taking precedence over other considerations.

Beyond the need to address the emerging security threats of the 21st century, such as the potential for nuclear terrorism, Africa and the Middle East are the two regions with the largest armed conflict and terrorist burden globally, and will very likely need sustained UNSC support in the future.

The disproportionate and counterproductive influence of the P5 on the workings and decisions of the council is a particular source of frustration for African states, where the UNSC expends most of its efforts. Divisions among the P5 also frustrate efforts to engage constructively on the Middle East.

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Publicly, the P5 members keep a low profile on reform given their preference for maintaining the status quo. They seek reform that will not dilute their privilege, and a global system that does not constrain their freedom of action.

China and Russia profess support for reform, but remain intractably opposed to any proposal for reform. The US, UK and France (the P3) typically emphasise the burden of responsibility and the need for adequate resources (diplomatic, military and other) required to fulfil their self-appropriated duties.

Aspirant middle powers to permanent seats such as Germany, India, Brazil and Japan find their ambitions blocked by regional competitors (the UfC in particular) and, in the case of Japan, by virulent opposition from China. Germany remains committed to a proposal that would see additional permanent European representation on a council that already has two permanent seats from that region. Then there is the lack of agreement on a formula for expanding the council to achieve greater regional balance – particularly for Africa and Latin America. Finally, the dynamics around Brexit and the election of US President Donald Trump have further complicated prospects for UNSC reform.

It appears very unlikely that a majority of member states would agree to expand the veto, as advocated in various forms by the G4, L69 and the Africa Group. In fact, since it is largely the veto that makes the UNSC dysfunctional, it is difficult to argue for an increase in the number of states with this power.

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The L69 and the Africa Group’s starting position is that the veto should be abolished, but if it is retained they insist that new permanent members should be accorded the same rights and privileges as existing permanent members.

Practically, any realistic prospect for the movement towards more effective global security governance needs to balance three tensions: the constraints of power politics (in particular P5 intransigence); the need for effectiveness/capacity; and the need for increased legitimacy and representation.

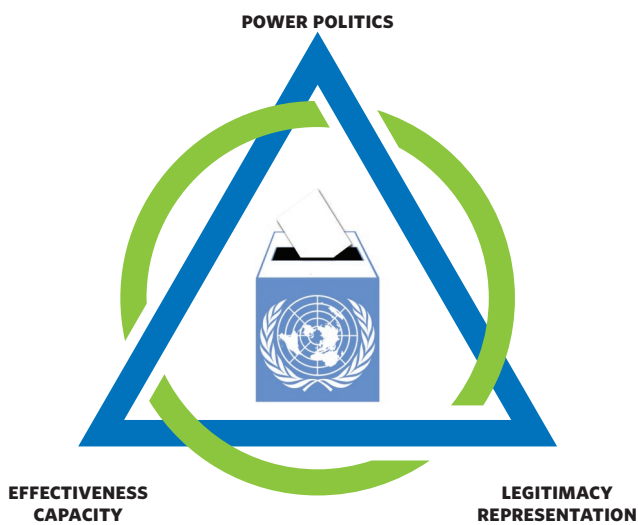


Figure 1: Primary principles

Reform would also have to unfold over time and not take the form of an abrupt change. This would allow the global system to adapt to global realignments in power and influence.

Effective global security governance needs to balance three tensions

At member-state level, UNSC reform efforts face several obstacles. First is the challenge of accommodating the two great powers of the first part of the 21st century – the US and China, both of which are very comfortable with the veto power – as well as those regions that may wish, in future, to act as a single block within the council such as Africa, Europe and eventually Latin America.

Second is the challenge to eventually accommodate additional global powers (on current forecasts India is most likely to aspire to that status), and the practical need to bring regional leaders onto the council.

At the other extreme is the demand from smaller states for equal treatment and the opportunity to also serve on the council. In between these two groups are the UK, France and Russia, well served by the current arrangement that accords them privileges they could not otherwise enjoy. Then there are countries such as Brazil, Japan and Germany that have long engaged in a fruitless campaign for a permanent seat.

Their efforts have run aground against opposition from the UfC and Small Island and Developing States (SIDS).

The UfC is a grouping that includes second-tier regional powers intent on blocking the efforts of regional powers and aspirants to permanent seats while seeking greater equity. Groupings such as the SIDS are concerned that a council composed only of more powerful countries will trample and ignore their concerns.

These divisions hide the reality that many states are comfortable with the current arrangement and that the P5 regularly manipulates the intergovernmental process to maintain the status quo.

There is no ideal size for a reformed UNSC. The P5 members generally argue for a modest increase, in the interests of efficiency. Many in the developing world seek a much larger council in order to achieve legitimacy through expanded representation

Because neither Africa nor Latin America is currently represented among the P5, any effort at equity in representation necessarily involves an increase in numbers.

Responses from UN member states to various reform efforts over the years would indicate an emerging consensus on an increase of up to 27 members.

CRITERIA FOR CANDIDACY

The UNSC must balance geo-political representation with the significant discrepancies between the power and influence of UN member states.

This leads to tricky discussions about criteria for membership of the UNSC. Some states resist any minimum criteria that could bar a country from standing as a candidate, insisting on the right of all states to contest for UNSC membership. More than 60 UN member states have never been on the UNSC and many have never contested for membership.

Various groups, including the SIDS, are concerned that a council composed of only larger states will not serve their interests.

It is nevertheless important to recognise the large disparities in population and economic size among UN members. This underpins the requirement for minimum criteria for UNSC membership – and the importance of ensuring that global powers (and countries that in future may wish to act in concert) are included.

For example, it is theoretically possible for 129 states with a combined 8% of the global population to command a two-thirds vote in the UNGA – or for 65 states with less than 1% of the global population to block a substantive vote requiring a two-thirds majority in the UNGA.

The disparities in economic size (and income levels) are even larger.

These differences in population and economic size would be a huge obstacle to reform if all states were part of a single electoral college. However, the potential dictatorship of minorities is constrained by the system in which states are grouped in five regions for UNSC electoral purposes.

Analysis by Elect the Council has led to three key conclusions that inform our proposals for UNSC reform.

- **States that serve on the UNSC should have a minimum capacity and track record if they are to contribute to global peace and security issues.**
- **A council that does not include the global powers of the 21st century will suffer from a lack of political and military clout.**
- **A distinction needs to be made between regional leaders and other states desiring to serve on the UNSC. The enhanced status of regional leaders will, we believe, reduce some of the current pressure for additional permanent seats. More importantly, it may change regional dynamics towards a more co-operative approach to candidacy and in supporting subsequent action by the council.**

Outside of the UNSC, most modern treaty-based arrangements are based on ‘one country, one vote’. This is a general electoral and representative norm that is far more widely established today than in 1945, when the UN Charter was signed. It is also the point of departure for the proposals on reform by Elect the Council, given the centrality of the state to the UN Charter.

Using various forecasting methodologies, it would appear reasonable to assume that the US and China, and eventually India, will dominate the distribution of global power in coming decades. By mid-century these three countries will be significantly more influential than any other. It is also possible that coalitions of states (such as Africa or Europe) may wish to have their engagement with the UNSC reflect deeper regional integration and the desire to act in concert at a global level.

It is unlikely that a UNSC reform proposal that does not include these global powers (or coalitions of states) will be able to secure the required legitimacy and influence.

We propose that three proportional measurements (population, economic size and contribution to the UN budget) would suffice in distinguishing these global powers and coalitions from other influential states. They would automatically qualify for UNSC seats and each of their votes would count for three.

Elect the Council therefore proposes to abolish UNSC permanent seats and the veto power. All other states, except for the global powers or coalitions, will be elected to the council based on four technical requirements for candidacy. During a proposed 18-year transition the current P5 would remain members without the need to stand for election, with additional voting privileges, but no veto.

After the 18-year transition the UNSC would consist of 24 states elected on a proportional basis, plus the two or three states or coalitions that qualify due to their size and influence. Further details are set out in separate sections below, but eventually eight of the 24 elected states would be immediately re-electable after serving their three-year term. The remaining 16 states would also be elected for three years but would not immediately be re-electable.

The current five electoral regions that elect the 10 non-permanent members of the UNSC would nominate candidates for election by simple majority in the UNGA, in line with current practice.

Finally, the outgoing UNSC would be asked to compile a list of up to five intractable issues that, for a period of up to 30 years, would not be subject to an additional Chapter VII (see box) UNSC resolution beyond the renewal and revision of existing mandates. Under dire and specific circumstances this provision could be overruled by a supermajority of an 80% affirmative vote.

Member states might also wish to change the composition of the current regions that vote for non-permanent seats on the UNSC,¹⁰ namely the Eastern European Group (EEG), the Latin American and Caribbean Group (GRULAC), the Western European and Others Group (WEOG), the Africa Group and the Asia-Pacific Group. Such changes do not require an amendment to the charter and would not have an impact on the reform proposals by Elect the Council. (See Annex B).

Finally, Elect the Council proposes a mandatory review of the functions, role, composition and rules of procedure of the UNSC every 30 years after the original UNGA resolution enabling UNSC reform. This review should be concluded within three years and would be done on the basis of a self-reflective report and recommendations prepared and finalised by the UNSC. The report would be adopted through the normal voting procedures of the UNSC and then submitted for consideration, comment and discussion by the UNGA.

Should this process not reach a conclusion within three years (including approval of changes to the UN Charter, if required), the matter under contention would be subject to binding arbitration by the International Court of Justice, which would resolve the matter within one year. If the results of the arbitration required an amendment to the UN Charter, that amendment would be passed by a simple majority of the members of the UNGA and at national level by more than half of UN members.

CHAPTER VII governs UNSC action on threats to peace and acts of aggression. It empowers the council to make recommendations and decisions to maintain or restore international peace and security, and may call upon UN members to apply economic sanctions, interruption of communications, or severance of diplomatic relations. Should these measures be inadequate the UNSC may take action by air, sea or land forces as necessary to maintain or restore international peace and security. Chapter VII further governs the rights and obligations of member states to participate in military interventions and make armed forces available to support UNSC missions.

Elect the Council proposes four minimum criteria for candidacy for UNSC membership. These criteria would be included in the draft UNGA resolution, with the caveat that adherence to these criteria would be left to each region to monitor and apply.

Electoral regions would be expected to adopt their own means to identify candidates (rotation, competition, additional regional criteria, etc.). In line with current practice, each region would present their candidates to the UNGA, where the actual voting would occur. Regional groups would be requested to take particular notice of cross-regional interest groups such as the SIDS and the Arab Group.

Regions would therefore determine how they wish to structure their respective quota of seats. In some regions regional leaders could be re-elected on the renewable ticket (or rotate on an agreed internal arrangement) and the non-renewable category of membership would allow for flexibility and representativeness for other members, through either a competitive process or a restricted system of rotation (since not all states would qualify or wish to serve on the UNSC). In this manner regions would be able to ensure continuity. It would ensure the inclusion of states whose exclusion would undermine the legitimacy and effectiveness of any reform.

PROPOSED MINIMUM CRITERIA FOR UNSC MEMBERSHIP:

EXPERIENCE *(i.e. peacekeeping deployment, engagement in humanitarian support, conflict resolution and participation in peacebuilding) and capacity (i.e. resources such as diplomatic missions globally and in conflict-affected regions)*

IN FINANCIAL GOOD STANDING *with the UN and its agencies*

WILLINGNESS *to shoulder additional financial contributions to UN efforts on international peace and security, as determined by the UNGA¹⁷*

RESPECT *for open, inclusive and accountable governance, the rule of law and international human rights standards*

Elect the Council proposes that for every 22 states (rounded off) in its group, each region be allowed to elect one country for a renewable three-year term to the UNSC. (Annex C illustrates the impact on UNSC size of increasing or decreasing the number of states in the proportional system.)

Elect the Council also proposes that each region be allowed to elect two states for a non-renewable term of three years for every 22 states (rounded off) in each electoral group.¹² This gives a UNSC membership of 24, consisting of eight states elected for renewable terms and 16 states elected for non-renewable terms.¹³ In this manner purported regional powers could remain on the UNSC (with the support of others in the group) but could also rotate or be challenged within their region.

As the number of states in any group increased or decreased, this would automatically affect the allocation of seats in the UNSC, thereby accommodating changes in the membership of the various voting regions.

The result is a simple, equitable and flexible structure that is representative of the various regions and of the membership of the UN generally. It balances the need for an increase in size (legitimacy) with the need for effectiveness and efficiency.

The current composition of voting groups and the proposed number of renewable and non-renewable seats within a reformed UNSC are summarised in Table 1 and presented graphically in Figure 2.

Figure 2: Elected seats in a reformed UNSC

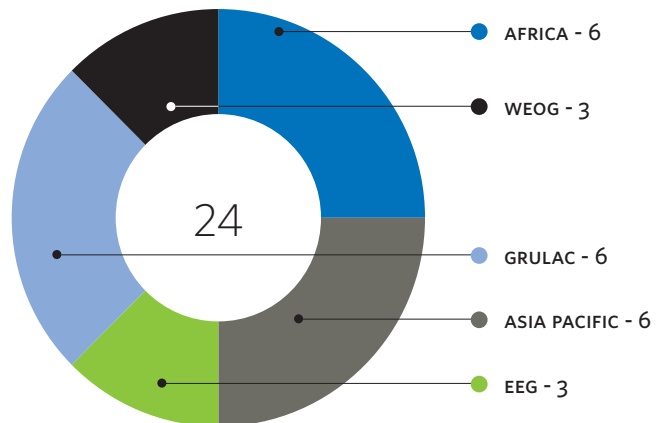


Table 1: Calculation of proposed elected seats per region in the UNSC

Regional group	Current number of member countries	Current % of UN members	Proposed renewable 3-year seats on UNSC	Proposed non-renewable 3-year seats on UNSC	Proposed total elected seats on UNSC
Africa	54	28.0	2	4	6
Asia-Pacific	53	27.5	2	4	6
EEG	23	11.9	1	2	3
GRULAC	33	17.1	2	4	6
WEOG*	30	15.5	1	2	3
Total	193	100.0	8	16	24

*Note: The US is viewed as part of the WEOG in the table above. It currently has observer status at the WEOG

The current P5 have unprecedented privilege that they would not otherwise obtain, and they will not readily agree to reform that dilutes their power and status.

Elect the Council therefore proposes an 18-year transition period during which the current P5 would remain members of the UNSC by occupying three of the eight available renewable seats in their relevant regions; with the UNSC to be enlarged from 24 to 26 members to accommodate the two remaining members of the P5.

THREE OF THE P5 MEMBERS WOULD THUS OCCUPY THE FOLLOWING THREE RENEWABLE SEATS:

- **Asia-Pacific Group - China:** This group would still have to elect states to fill one additional renewable seat and four non-renewable seats during the 18-year transitional phase.
- **EEG - Russia:** This group would still have to elect states to fill two non-renewable seats during the 18-year transitional phase.
- **WEOG - US, UK or France:** This group would still have to elect two states to fill non-renewable seats during the 18-year transitional phase.

In addition, the Africa Group would have to elect two renewable members and four non-renewable seats and GRULAC would have to elect two renewable members and four non-renewable seats.

After 18 years, the current P5 members would only serve on the UNSC if elected by their respective regions or if they qualified in terms of the global powers criteria (see below).

Elect the council proposes an 18-year transition during which the current P5 would remain members of the UNSC

After the 18-year transition period, any single country or group of states that desired to act in concert within the UNSC and that met the following three criteria, would automatically qualify for a seat on the UNSC:

- Represent 3% of the global population
- Represent 5% of global GDP ¹⁴
- Contribute 5% of the UN budget

These seats would be in addition to the 24 elected seats. The council would therefore be expanded by the inclusion of these global powers, most likely to a total of 26 or 27 seats.¹⁵

To this end the office of the secretary-general would review global powers' membership on an annual basis, relying on an assessment by an international organisation with the required statistical expertise and track record.

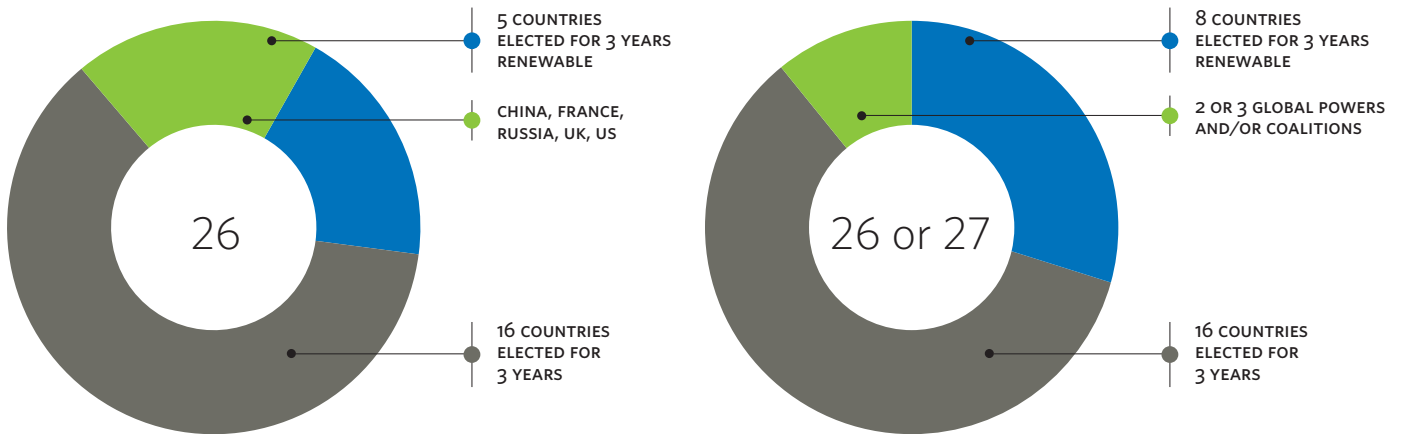
Similar to states that are elected to the UNSC, global powers (or coalitions) might be expected to make additional contributions to the UN budget, as determined by the UNGA.

The vote of each global power (or global coalition) would count as three votes.

A UNSC with 26 members that included two global powers would therefore have potentially 24+6 = 30 votes. A two-thirds affirmative vote with all members present and voting would therefore require 20 votes.

States or groupings that qualify for membership in terms of the global powers criteria may not be members of the regional groups that nominate the 24 other members of the UNSC for election within the UNGA. These states may also not vote during the elections of other members of the UNSC.

Figure 3: Interim and final composition of the UNSC



Interim UNSC composition

Final UNSC composition

Elect the Council proposes that both substantive and procedural decisions within the UNSC require a two-thirds affirmative majority. Similar to current provisions, parties to a conflict serving on the UNSC would have the right to be heard but could not vote.

A vote cast by a current P5 member would count as follows during the 18-year transition period:

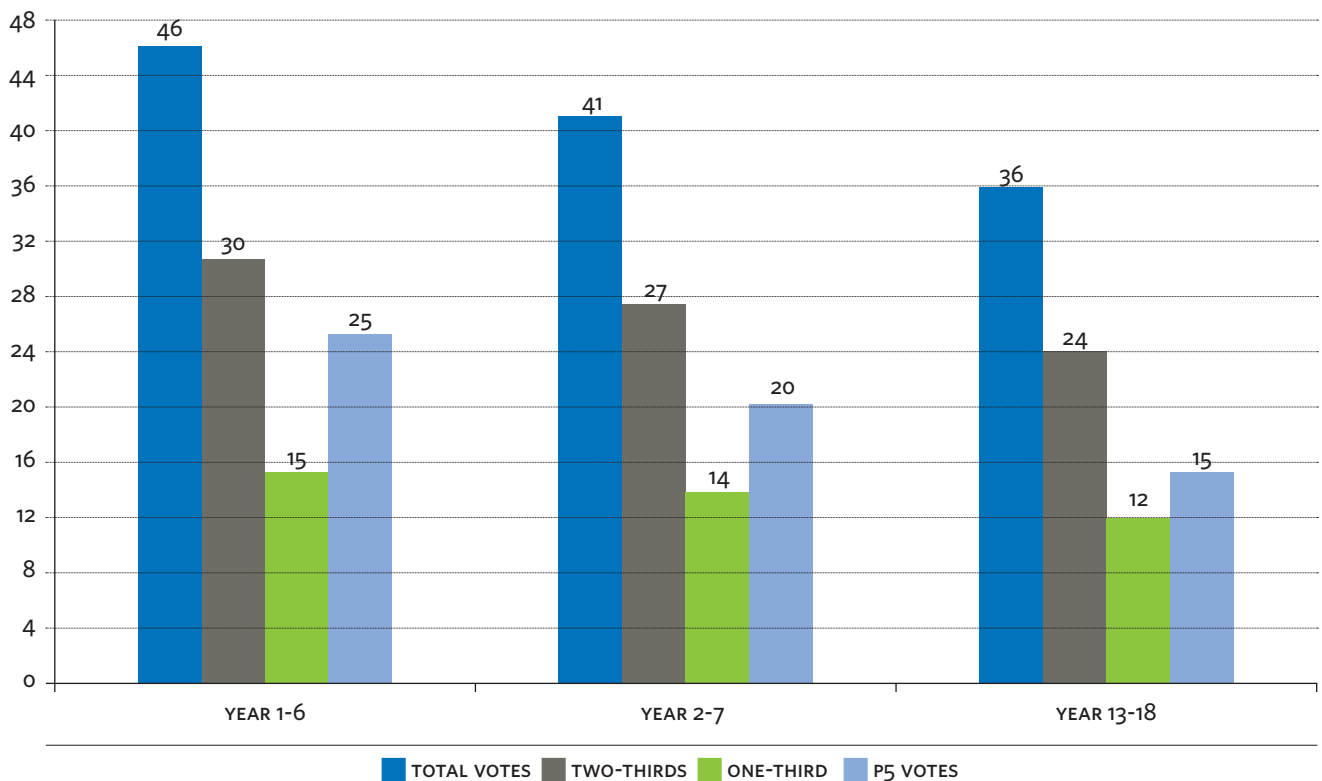
- Years 1-6: five votes
- Years 7-12: four votes
- Years 13-18: three votes

The maximum number of votes during a session of the UNSC would therefore be 46, 41 and 36 in each of the successive six-year periods.

Thus, during the first six-year interim period the P5 would have 25 out of an available 46 votes, with 20 out of 41 available votes during the second six-year period, and 15 out of 36 votes during the final six-year period. See Figure 3.

After the 18-year transition, the vote by a global power (or coalition assuming a global power seat) would count for three votes.

Figure 4: Votes in the UNSC during transition



In the run-up to the dissolution of the current structure of the UNSC, the council should agree to a list of up to five specific issues to be placed in a moratorium for a period not exceeding 20 years after the enactment of the enabling UNGA amendment to the UN Charter. During this period, a reformed UNSC would not be allowed to take binding resolutions under Chapter VII

of the UN Charter on that specific country or bi-lateral issue except to maintain, terminate or reasonably modify existing decisions.

This proposal would remove particularly intractable regional issues that could block the proposed UNSC reforms.

PHASING AND STAGGERED ELECTIONS

Elect the Council proposes that elections for the categories of renewable and non-renewable seats be staggered to allow for continuity. States elected during the first year after reform starts would therefore serve for longer terms.

RULES OF PROCEDURE

Article 30 of the UN Charter stipulates that the UNSC shall adopt its own rules of procedure. The council did so in 1946 when it adopted its Provisional Rules of Procedure (S/96), which continue to be provisional although they have been amended several times.

Elect the Council proposes that the UNSC should provisionally adopt and recommend by a two-thirds majority the draft rules of procedure to the UNGA, doing so within one year of the enabling UNGA resolution.

The UNGA would be required to approve these rules of procedure by a two-thirds majority vote of member states within one year after receipt of the draft. Pending such approval, the UNSC should be allowed to operate

based on the draft rules of procedure. Should the UNSC be unwilling or unable to submit draft rules of procedure to the UNGA, the latter should finalise and adopt, by a simple majority, its own version of the rules to which the UNSC shall adhere.

If no agreement could be reached within the UNGA within an additional year, the issue should be referred to the International Court of Justice for a final and binding decision on appropriate Rules of Procedure.

A member of the UNSC could be suspended from membership by a supermajority of 80% of votes while it was considered to be in flagrant violation of the UN Charter. Such suspensions should be reviewed annually.

Elect the Council is focussed only on reform of the UNSC; not on the reform of the UNGA, the relationship between the UNGA and the council, or changes to the process to elect the UN secretary-general.¹⁶

In accordance with Article 108 of the UN Charter, Elect the Council will focus its efforts on working with member states towards a UNGA resolution on a single amendment to the charter for reform. This requires a two-thirds majority vote by UNGA members, and then ratification at national level in accordance with the respective constitutional processes by two-thirds of the members of the UN, including all the P5 members.

The UNGA resolution would specifically amend articles 23 to 32, and Article 109 of the UN Charter.

Elect the Council intends to build a global partnership that will mobilise for member state action based on the draft resolution. Elect the Council hopes, over time, to receive the support of like-minded states, global civil society, private foundations, business, religious groups, academics and interested individuals.

As hosting organisation the Institute for Security Studies (www.issafrica.org) will establish a small international secretariat focussing most of its efforts on working virtually and using social media.

CONCLUSION

An integrated and interdependent world needs a new and different approach that prioritises global concerns over national interests.

A council based not on historical precedent but on principle and electoral mechanisms, reflecting today's power and population dynamics, could provide such an approach. It will likely result in a more cautious UNSC than one dominated by Western powers, and one whose authority and decisions will carry far greater force and legitimacy.

UNSC reform is not an easy or a comfortable process. Various states, coalitions and interest groups will actively oppose and even undermine a campaign that weakens their advantage. Civil society organisations and business will also differ in their approaches and preferences.

Elect the Council intends to pursue its objective based on a clear, principled and detailed approach that is sensitive but not subservient to the realities of power.

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After the increase in the number of non-permanent seats in 1965, reform has been on the agenda of the UNGA since 1979, when India plus Latin American and other countries proposed changes to the UNSC's size and regional representation.¹⁷ The only P5 member in favour was China, then represented by the nationalist government based in Taiwan, and the issue was deferred year after year until eight states revitalised the debate at the 47th Session of the UNGA in 1991.¹⁸

In December 1992 UNSC reform was added to the UNGA agenda.¹⁹ In 1993 this resulted in the establishment of the Open-Ended Working Group (OEWG), and the provisional agenda of the 49th UNGA session included the item 'Question of equitable representation on and increase in the membership of the Security Council and related matters'.²⁰

A March 1997 paper by the president of the General Assembly and chairperson of the OEWG, Ambassador Razali Ismael from Malaysia, presented a draft resolution that called for the addition of five permanent seats without veto power and four non-permanent seats,²¹ but it failed to garner enough support.²²

The 2000 Millennium Summit, in its final document, could only commit 'to intensify ... efforts to achieve comprehensive reform of the Council in all its aspects' - a commitment repeated after the 2005 Summit.

Progress proved impossible and the subsequent 2005 World Summit Outcome Document again limply committed leaders to 'early reform of the Security Council ... 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'.²³

During the 2005/07 efforts the G4 group,²⁴ comprising Brazil, India, Japan and Germany, battled it out to stalemate with the UfC group,²⁵ the Africa Group²⁶ and others.²⁷ Lacklustre meetings thereafter produced no progress and the process has been effectively moribund for several years.²⁸ Numerous proposals and formulas have been tabled over several decades as part of efforts to arrive at an acceptable formula for a reformed UNSC.²⁹ The two options contained in the 2005 In Larger Freedom report by the UNSG are perhaps the best known,³⁰ advocating for an increase in membership from the current 15 to 24 members.³¹ The then UN secretary-general Kofi Annan first submitted these two options in 2004 as part of the report from the High-Level Panel on Threats, Challenges and Change - A more secure world: our shared responsibility - as a follow-up to the 2000

Millennium Summit and ahead of the 2005 Summit. In 2006/07, the president of the UNGA again convened a series of meetings of the OEWG on the 'Question of equitable representation on and increase in the membership of the Security Council'. Two sets of facilitators were appointed, first consisting of five and then of two members to guide the process.³² In September 2007 it was agreed to start the IGN, the details of which were only finalised a year later in Decision 62/557. Part of this decision is the requirement for a solution that 'can garner the widest possible political acceptance by Member States'.

Negotiations officially started early in 2009. Subsequent years saw the development of a 30-page 'negotiation text' based on submissions from member states that soon led to an impasse.³³

Proposals included additional permanent seats and various permutations of semi-permanent seats,³⁴ as well as the expansion of the number of non-permanent seats. These proposals came from a range of informal groupings (such as the L69 Group)³⁵ and regional organisations such as the Organisation of the Islamic Conference,³⁶ the Caribbean Community³⁷ and the Africa Group. Each permutation has its advocates and opponents - and the intergovernmental process becomes more complicated with each new set of demands and variations.

Thus the G4 struggles to excite others about its ambitions for permanent seats. Some P5 members claim that they are open to expansion (even with new permanent seats) but disagree on which states to support. The UfC struggles to move beyond broad principles involving longer-term seats and a commitment to an increase in size. The Arab Group wants its own permanent seat, the East Europeans have advocated a second dedicated non-permanent seat for themselves, and the SIDS group wants a dedicated cross-regional seat in return for its support for additional permanent seats.

Groups such as the Small Five (S5)³⁸ and its successor, the 22-member ACT grouping (to improve Accountability, Coherence and Transparency),³⁹ take a different approach. Seeking to adjust working methods to avoid the issue of composition and the veto, their attempts generally take their cue from the small window of opportunity for UNSC reform contained in the 2000 and 2005 UN World Summit Outcome Documents. In December 2012 France resurrected the calls for veto restraint in the case of mass atrocities (still to be defined), while ACT promotes veto restraint on genocide, war crimes and crimes against humanity.⁴⁰

EEG	GRULAC	WEOG
Albania	Antigua and Barbuda	Andorra
Armenia	Argentina	Austria
Azerbaijan	Bahamas	Belgium
Belarus	Barbados	Denmark
Bosnia and Herzegovina	Belize	Finland
Bulgaria	Bolivia	France
Croatia	Brazil	Germany
Czech Republic	Chile	Greece
Estonia	Colombia	Iceland
Georgia	Costa Rica	Ireland
Hungary	Cuba	Italy
Latvia	Dominica	Liechtenstein
Lithuania	Dominican Republic	Luxembourg
Republic of Macedonia	Ecuador	Malta
Moldova	El Salvador	Monaco
Montenegro	Grenada	Netherlands
Poland	Guatemala	Norway
Romania	Guyana	Portugal
Russian Federation	Haiti	San Marino
Serbia	Honduras	Spain
Slovakia	Jamaica	Sweden
Slovenia	Mexico	Switzerland
Ukraine	Nicaragua	Turkey
	Uruguay	United Kingdom
	Panama	Australia
	Paraguay	Canada
	Peru	Israel
	Saint Lucia	New Zealand
	St Vincent and the Grenadines	US (observer)
	St Kitts and Nevis	Israel (temporary for four years at a time)
	Suriname	
	Trinidad and Tobago	
	Venezuela	

Africa		Asia-Pacific	
Algeria	Libya	Afghanistan	Tuvalu
Angola	Madagascar	Bahrain	United Arab Emirates
Benin	Malawi	Bangladesh	Uzbekistan
Botswana	Mali	Bhutan	Vanuatu
Burkina Faso	Mauritania	Brunei Darussalam	Vietnam
Burundi	Mauritius	Cambodia	Yemen
Cameroon	Morocco	China	
Cape Verde	Mozambique	Cyprus	
Central African Republic	Namibia	Democratic People's Republic of Korea	
Chad	Niger	Fiji	
Comoros	Nigeria	India	
Republic of the Congo	Rwanda	Indonesia	
Côte d'Ivoire	São Tomé and Príncipe	Iran	
Democratic Republic of the Congo	Senegal	Iraq	
Djibouti	Seychelles	Japan	
Egypt	Sierra Leone	Jordan	
Equatorial Guinea	Somalia	Kazakhstan	
Eritrea	South Africa	Kuwait	
Ethiopia	South Sudan	Kyrgyzstan	
Gabon	Sudan	Laos	
Gambia	Swaziland	Lebanon	
Ghana	Togo	Malaysia	
Guinea	Tunisia	Maldives	
Guinea-Bissau	Uganda	Thailand	
Kenya	Tanzania	Timor-Leste	
Lesotho	Zambia	Tonga	
Liberia	Zimbabwe	Turkmenistan	

An Arab swing seat is based on an informal agreement whereby the Asia Pacific and Africa groups take turns every two years in providing a suitable candidate from the Arab League.

ALTERNATIVE SIZES OF THE UNSC

Regional group	21 states per seat			22 states per seat			23 states per seat		
	Renewable seats	Non-renewable seats	Total	Renewable seats	Non-renewable seats	Total	Renewable seats	Non-renewable seats	Total
Africa	3	6	9	2	4	6	2	4	6
Asia-Pacific	3	6	9	2	4	6	2	4	6
EEG	1	2	3	1	2	3	1	2	3
GRULAC	2	4	6	2	4	6	1	2	3
WEOG	1	2	3	1	2	3	1	2	3
Total	8	20	30	8	16	24	7	14	21

- ¹ Borrowed from Lydia Swart, The voice of the majority: the Group of 77's role in the UN General Assembly, *UN Chronicle*, LI:1, 2014, <http://unchronicle.un.org/article/voice-majority-group-77s-role-un-general-assembly/>.
- ² See Lydia Swart, The Chair advances Security Council reform, but substantial and procedural complexities persist, Center for UN Reform Education, 29 May 2015, <http://www.centerforunreform.org/?q=node/632>
- ³ Ibid.
- ⁴ The United States (US) supports the membership of Japan and India and a small number of additional non-permanent seats. The United Kingdom (UK) and France essentially support the G4 position (but with a variation on the issue of the veto), with the expansion of permanent and non-permanent seats and the accession of Germany, Brazil, India and Japan to permanent member status, as well as an increase in seats of African states. China supported the stronger representation of developing states, but has stopped short of endorsing India's United Nations Security Council (UNSC) ambitions. Russia has endorsed India's candidature for a permanent seat.
- ⁵ In 2006 former German foreign minister Joschka Fischer said that Germany would also accept a common European seat – but as long as there was little sign that France and the UK would give up their own seats, Germany should also have a seat. As a result, Germany is apparently willing to consider intermediary arrangements (such as those proposed by the UK and France). Within the European Union (EU), the basis for such an approach would be its Common Foreign and Security Policy, but the question is whether a common European seat should necessarily be recognised as a formal EU seat (and therefore form part of the Lisbon Treaty). Only states can be members of the UN, according to the UN Charter.
- ⁶ See UNSC, States never elected members of the Security Council, www.un.org/en/sc/members/notelected.asp.
- ⁷ California and Wyoming have a population ratio of 66:1, compared to China and Nauru with a ratio of 15 000:1. See Joseph E Schwartzberg, *Transforming the United Nations system: designs for a workable world*, New York: UN University Press, 2013, 6.
- ⁸ Article 4 of the UN Charter confines membership of the UN to states, implying the need for an associated amendment.
- ⁹ See, for example, Joseph E Schwartzberg, *Transforming the United Nations system: designs for a workable world*, New York: UN University Press, 2013. Most likely, future reform would see the adoption of a progressively proportional system where various classes of states would be created with the weight of a vote differing between classes. Examples include the German Bundesrat and the European Parliament. The US Electoral College uses the same principle but reserves a minimum number of seats per state.
- ¹⁰ The formula for regional groups for the purposes of election to the UNSC is also set out in UN General Assembly (UNGA) Resolution 1991 (XVIII), which was adopted in 1963 and took effect in 1965. Under that resolution, the five seats originally corresponding to the African and Asia-Pacific states were combined. In reality, the candidates for election to the African seats (three) and Asia-Pacific seats (two) operate separately.
- ¹¹ Peace operations are currently funded by assessments, using a formula derived from the regular funding scale that includes a weighted surcharge for the P5 members, which must approve all peacekeeping operations. This surcharge serves to offset discounted peacekeeping assessment rates for less developed states. The current scales of assessments are set out in UNGA Resolution 67/238, Scale of assessments for the apportionment of the expenses of the United Nations, A/RES/67/238, 11 February 2013.
- ¹² Based on double the actual fraction of renewable members, with the result rounded off. Changing the number of states per elected member on the UNSC to 23 or 25 would change the size of the council to 25 and 23 members respectively. See Annex C.
- ¹³ The proposed size is similar to options A and B set out in the 2005 *In larger freedom* report, as well as the 1997 recommendations by the president of the UNGA and chairperson of the OEWG.
- ¹⁴ At market exchange rates
- ¹⁵ Using the International Futures forecasting system (see pardee.du.edu), the US and China would qualify for membership of the UNSC based on these three criteria, joined by India from around 2032. The EU28 could, should they desire to act as a single 'country' in the UNSC, also qualify.
- ¹⁶ It is generally held that reform of the UNSC encompasses five key issues: (1) categories of membership; (2) the question of the veto held by the five permanent seats; (3) regional representation; (4) the size of an enlarged council and its working methods; and the (5) Security Council-General Assembly relationship. See UNGA Decision 62/557 of September 2008. Elect the Council primarily deals with the first four of these aspects.
- ¹⁷ The voting around the 1965 amendment is interesting: '[T]he expansion was achieved even if four out of the P5 had initial serious reservations. African, Asian and Latin American states drafted a resolution, pushed it through the GA, where France and Soviet Union voted against, the UK and US abstained and only [the] Republic of China (Taiwan) among the P5 voted in favor. All P5 however, to avoid being seen as dissenters, obtained ratifications in their parliaments, the first one ironically coming from the Soviet Union initially voting against in the GA. On 31 August 1965 the SC membership increased to 15.' Vesselin Popovski, Reforming and innovating the United Nations Security Council, Commission on Global Security Justice and Governance, Background Paper, 2015, 3, www.globalsecurityjusticegovernance.org

- ¹⁸ Bardo Fassbender, All illusions shattered? Looking back on a decade of failed attempts to reform the UN Security Council, in A von Bogdandy and R Wolfrum (eds.), *Max Planck Yearbook of United Nations Law*, vol. 7, Leiden: Martinus Nijhoff Publishers, 2003, 186–7.
- ¹⁹ A/RES/47/62 of 11 December 1992.
- ²⁰ A/RES/48/26 of 3 December 1993. The UNSG report dated 20 July 1993 set out the comments received from 75 member states on UNSC reform. See Doc A/48/264 of 20 July 1993.
- ²¹ The new permanent seats would not have veto rights and the situation would be reviewed after 10 years.
- ²² A year later, the UNGA reaffirmed that it would not decide on increased UNSC membership or changes to representation without a two-thirds majority in the UNGA. See A/RES/53/30 of 1 December 1998.
- ²³ UNGA, 2005 World Summit Outcome Document, par 153.
- ²⁴ On 6 July 2005 the G4 members tabled their draft framework resolution calling for UNSC enlargement to 25 members, including six additional permanent seats. If the G4 proposal were adopted, the new seats would, according to Article 27 of the UN Charter, automatically enjoy veto rights – although the G4 members have accepted to forego their right of veto for at least 15 years.
- ²⁵ At its core the Uniting for Consensus (UfC) grouping consists of 12–14 states, but its views are shared by 20–30 others that also do not want additional permanent seats, especially if it would include the veto. The group is led by Italy, Spain, Mexico, Colombia, Argentina, Pakistan and South Korea. In addition to Turkey, Indonesia and others, China and Indonesia also take an active part in this group, as do a number of African states. See Lydia Swart, Timeline on UN Security Council reform 1992–2015, notes prepared for roundtable on UNSC reform, 17 April 2015, 5; Interviews in New York, April 2015.
- ²⁶ Developed from its previous position, known as the Harare Declaration, the African Union (AU) tabled its proposal (the 2005 Ezulwini Consensus, calling for 11 additional members on the UNSC, taking it to 26) in July 2005, with Africa gaining two permanent seats and five non-permanent seats that would rotate between African states. The AU position is that new seats gain all existing privileges, including veto powers, and that the AU would determine the criteria. Nigeria and South Africa, two of the contenders for these seats, have indicated a degree of flexibility on the issue of the veto and have stated that they would serve in their national capacity when elected by the AU.
- ²⁷ In September 2008, with the UNGA 62/557 decision, member states agreed to move the deadlocked discussions from the open-ended working group to the intergovernmental negotiations in an informal plenary of the UNGA. This would allow for a decision without consensus – a move fiercely opposed by the UfC group – and that decisions could be taken by a two-thirds majority vote. As a result, the rules of procedure became a major divisive issue.
- ²⁸ In April 2005 the UfC first proposed a Green and a Blue Model for UNSC reform. The Green Model proposed to expand the UNSC with an additional 10 elected seats. All 20 elected members would serve on the council for two-year terms and be eligible for re-election. The Blue Model foresees longer-term seats, while at the same time adding regular two-year elected seats to the current ones. Longer-term seats would be elected for three or four years and might run for re-election. See Global Policy, Background on Security Council reform, www.globalpolicy.org/security-council/security-council-reform/49885.html?itemid=1321m. On 26 July 2005 Italy, Argentina, Canada, Colombia and Pakistan, representing the UfC states, proposed to the UNGA to maintain the five permanent seats and raise the number of non-permanent seats to 20. The non-permanent seats would be elected by the UNGA for a two-year term and would be eligible for immediate re-election, subject to the decision of the respective geographical groups. On 11 April 2005 China ‘embraced’ this initiative. On 20 April 2009 Colombia and Italy, as representatives of the UfC group, presented a new model for the creation of a new category of seats, still non-permanent but elected for an extended duration (three- to five-year terms) without the possibility of immediate re-election. These new seats would not be allocated to individual states but rather to regional groups on a rotational basis. Small- and medium-sized states would now also be eligible for regular, non-permanent seats. The proposal included various options ranging from abolishing the veto to limiting the application of the veto on Chapter VII matters. See Elisabetta Martini, UN Security Council reform – current developments, Istituto Affari Internazionali, Policy Brief, www.globalpolicy.org/images/pdfs/images/pdfs/IAI_Report_3.pdf. The most recent proposal from the UfC for a UNSC of up to 26 members, circulated in March 2015 shortly ahead of the circulation of the framework document by Rattray, reiterates its support for a new category of longer-term seats with the possibility of an immediate re-election, as well as an increase in the number of two-year non-permanent seats. See UfC, UN Security Council reform is possible, 25 March 2015, www.italyun.esteri.it/NR/rdonlyres/666B4E6B-5486-43EB-91DB-BE7CB7FE15A8/0/UfCdocument25March2015.pdf.
- ²⁹ For a useful summary see Lydia Swart, Timeline of UN Security Council reform, 12 November 2015, www.centerforunreform.org/?q=node/681
- ³⁰ Plan A calls for creating six new permanent seats plus three new non-permanent seats, for a total of 24 seats in the council. Plan B calls for creating eight new seats in a new class of members, which would serve for four years, subject to renewal, plus one non-permanent seat, also for a total of 24. Former UN secretary-general Kofi Annan favoured making the decision quickly, and argued for a decision at the September 2005 Millennium+5 Summit.

- ³¹ Model A provides for six new permanent seats, with no veto being created, and three new two-year non-permanent seats. Model B provides for no new permanent seats but creates a new category of eight four-year renewable seats and one new two-year non-permanent (and non-renewable) seat. The composition of the UNSC would also be reviewed in 2020.
- ³² Lydia Swart and Jonas von Freiesleben, *Governing & managing change at the United Nations: reform of the Security Council from 1945 to September 2013*, Vol. 1, Centre for UN Reform Education, September 2013, appendix III and IV, <http://centerforunreform.org/?q=node/604>
- ³³ Lydia Swart, Reform of the Security Council 2007-2014, in *ibid*.
- ³⁴ In July 2009 a joint UK/French statement proposed the option of intermediate reform by including a new category of renewable seats with a longer term that could, at the end of an initial phase, become permanent. This was the subject of the September 2009 round of negotiations led by the Afghan ambassador to the UN, Zahir Tanin. On this occasion, South Africa stated that it considered this specific issue a 'pretext to retain the status quo'. Italy also voiced its doubts about intermediate reform. In total, eight rounds of negotiations on a text to reform the council were conducted. See Global Policy Forum, Reforming the working methods of the UN Security Council: the ACT Initiative, www.globalpolicy.org/component/content/article/200-reform/52474-reforming-the-working-methods-of-the-un-security-council-the-act-initiative.html.
- ³⁵ The L69 group, which includes G4 members Brazil and India, produced a proposal and draft resolution in 2012 that meets the demands of the Africa Group. Lydia Swart and Jonas von Freiesleben, *Governing & managing change at the United Nations: reform of the Security Council from 1945 to September 2013*, vol. 1, Centre for UN Reform Education, September 2013, 24 and appendix V, <http://centerforunreform.org/?q=node/604>.
- ³⁶ In June 2005 the foreign ministers of the Organisation of the Islamic Conference (OIC) called for a permanent Muslim seat on the UNSC.
- ³⁷ CARICOM has come out in favour of the veto for the new seats advocated by the G4 in return for a dedicated non-permanent seat for small island states. Lydia Swart and Jonas von Freiesleben, *Governing & managing change at the United Nations: reform of the Security Council from 1945 to September 2013*, vol. 1, Centre for UN Reform Education, September 2013, appendix VIII.
- ³⁸ Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland. The group came up with proposals that could be passed by a simple majority. In May 2012 the S5 initiative led to a draft resolution (A/66/L.42/Rev.2), which contained several recommendations for the UNSC as regards its relationship with the UNGA; the effectiveness of decisions; the relationship with subsidiary bodies; the operations mandated by the council; governance and accountability; and the appointment of the UN secretary-general. In addition, the draft resolution called on the P5 members to reassess their use of the veto: firstly, by requiring them to explain why a veto is employed, or even considered; and secondly, by asking them to refrain from employing a veto when council actions are intended to prevent mass atrocity crimes. This second proposition divided the P5 and the non-permanent seats. Reiterating that the council should decide on its own working methods, the P5 members let it be known that this was a decision they alone would take. Eventually, putting the S5 initiative to vote in the UNGA was frustrated by efforts from the P5 and the UfC group, and the draft resolution was withdrawn after a legal opinion requested by the president of the UNGA indicated that working methods required an affirmative vote by two-thirds of the membership.
- ³⁹ The 24 UN member states that have tried since 2013 to improve accountability, coherence and transparency (ACT), while avoiding the membership issue, include four of the S5 states. Similar to the S5 initiative, ACT seeks to avoid involvement in the debate on reforming and extending the membership of the council. The members are from various regions. ACT also focused on new topics, such as the role of the council in conflict prevention (according to Chapter VI of the UN Charter) and the council's relationship with regional organisations (Chapter VIII). Due to its larger membership, ACT aims to work on a range of topics in parallel, involving smaller teams led by different states. For instance, Liechtenstein focuses on the relationship of the council with the International Criminal Court and the International Criminal Tribunal for the former Yugoslavia, while Uruguay addresses the participation in the UNSC's work of troop-contributing states to UN peacekeeping operations. In addition to topical and regional coordination, Switzerland serves as coordinating mission for the entire group. See FACT Sheet, The Accountability, Coherence and Transparency Group: better working methods for today's UN Security Council, April 2015, www.dfae.admin.ch/content/dam/mission-new-york/en/documents/FACT%20SHEET%20ACT%20April%202015.pdf.
- ⁴⁰ Veto restraint has been on the agenda since 1992.
- ⁴¹ The current non-permanent seats allocate one seat for the GRULAC group; two seats every even calendar year for the WEOG (competition is open between various subgroups consisting of Denmark, Finland, Iceland, Norway and Sweden), the CANZ (Canada, Australia and New Zealand) and Benelux (Belgium, Luxembourg and the Netherlands); one seat for the EEG every odd calendar year; three seats for the African Group with its five subregions; and two seats for the Asia-Pacific Group/Group of Asia and the Pacific Small Island Developing States.

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