



Elect the Council



Towards a legitimate and effective UN Security Council

#ElectTheCouncil #UNSCreform

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IN SHORT

Elect the Council is a global civil society initiative to advocate for countries to be elected to represent regions on the United Nations Security Council (UNSC) on a proportional basis, and to do away with the system of permanent members and veto rights.

There is near unanimous consensus on the need for reform of the UNSC but movement is rendered impossible by intergovernmental processes. Meantime, the roles and influence of an expanding number of civil society organisations in global governance has grown exponentially. Bringing these two propositions together, **Elect the Council** argues that civil society should bring its weight to bear on the task of major structural and procedural reform of the UNSC in order to retrieve its eroding legitimacy and fading relevance, make it representative, and enhance its effectiveness.

It is not possible to reform the UNSC without an amendment to the UN Charter – and while only member states can effect such an amendment, they have repeatedly proven themselves unable to grasp this nettle on their own.

We aim to galvanize galvanise organised civil society globally to achieve this goal by 2019. This has not been tried before to any meaningful extent, but the global village effect and the marked increase in new forms of instability (terrorism, cybercrime, etc.) demand new approaches.

In accordance with Article 109 of the UN Charter, we advocate for a simple majority of members of the UN General Assembly (currently 97 out of 193 members) and a vote by any seven members of the UNSC, for a General Conference of UN member states to amend the UN Charter. The amendment would subsequently need to be ratified by national legislatures as set out in the Charter. We believe this process can be completed by 2019 and that the implementation of our recommendations could follow the year thereafter.

Moving to a system of globally elected countries to serve on the UNSC will enhance legitimacy, and improve effectiveness. By restoring a sense of fairness and transparency to the UNSC, a new lease of life will be provided to an institution that will be tested as globalisation and shifts in power take their toll.

WHY NOW?

There will never be a perfect moment for such an ambitious undertaking, but the longer we wait the more difficult it becomes to base a reformed system on principle, rather than outdated expediency.

The world is changing, but not the UNSC. Established by 51 countries 70 years ago, the UN now has 193 member states that coexist, compete and cooperate in a world that is very different from the situation in 1945. Beyond a threefold increase in global population, the rapidly changing world of the 21st century is characterised by a diffusion of power (away from states); an accompanying shift in relative material power and influence from the West to the East; and an ongoing transition from a brief period of unipolarity to complex multipolarity. Transnational threats such as terrorism and cybercrime are straining national capacities while globally armed conflict has been rising for several years, reversing the sharp downturns seen after the collapse of the Berlin Wall. Yet we are stuck with a global peace and security governance architecture from the first half of the previous century.

Greater multipolarity does not imply instability, but the global transitions that accompany these and other shifts in power are inherently disruptive. In short, in the years that lie ahead the world will need an effective and legitimate UNSC.

Reform of the UNSC is too important to be left to states alone, and interstate processes among the member states of the UN (or the UNSC for that matter) have proved ineffective. After the 1965 enlargement of the non-permanent members of the UNSC from six to 10 members, reform has been on the agenda since Boutros Boutros-Ghali's election as secretary-general in 1992, but has delivered nothing.¹

In 2007, the president of the UN General Assembly (UNGA) convened the first of many meetings of the open-ended working group (OEWG) on the 'Question of Equitable Representation on and Increase in the Membership of the Security Council' and, in the same year, appointed five facilitators to guide the process.² In 2014, the theme was raised countless times during the general debate at the UNGA's 69th session, with members calling for reform by 2015, which marks the 70th anniversary of the UN's founding.

There is, however, little prospect that the latest discussions on the 'Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council'³ will produce a different result when there has been no fundamental shift in the basic premise upon which agreement is sought.

During the most recent efforts the G4 group,⁴ comprising Germany, India, Japan and Brazil, battled it out to stalemate with the Uniting for Consensus (UfC) group⁵, the African Group⁶ and others in 2005 and then again from 2008.⁷ Negotiations were eventually placed on 'strategic hold' in 2013, having been effectively moribund for several years.⁸

Numerous proposals and formulas have been tabled during these processes. The two options contained in the 2005 *In Larger Freedom* report by the UN Secretary General (UNSG) are

perhaps the best known,⁹ advocating for an increase in membership from the current 15 to 24 members. Other proposals included additional permanent seats and various permutations of semi-permanent seats,¹⁰ 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 Group¹¹) and regional organisations (such as the Organisation of the Islamic Conference¹² and the Caribbean Community¹³).

Efforts by groups such as the Small Five (S5)¹⁴ and the 22-member ACT grouping (to improve Accountability, Coherence and Transparency)¹⁵ took a different approach. Seeking to adjust working methods to avoid the issue of composition, these attempts generally took their cue from the small window of opportunity for UNSC reform contained in the 2005 UN World Summit Outcome Document, which followed *In Larger Freedom*.

These efforts did not amount to anything either, and with global competition and flux at its current level, it is unlikely that a state-led process would gain traction. As was evident from its inability to act on Syria and Ukraine in 2014 and 2015, the threat of a veto by any of the P5 members serves to paralyse the Council and remains an important impediment to the ability of the UNSC to fulfil its mandate. Apart from the fact that most of the so-called pen-holders are among the P5, every resolution needs to satisfy all the P5 members. The result is often a rush to the lowest common denominator, with efforts to keep the P5 on board taking precedence over all other considerations. As a result, the inordinate influence that the permanent members have on the workings and decision of the Council is a source of deep frustration to many.

The P5 keep a low profile on reform given their preference for maintaining the status quo, or for reform that would not dilute their privilege.¹⁶ Aspirants to permanent seats such as Germany¹⁷, India, Brazil and Japan find their ambitions blocked by regional competitors or the lack of agreement on a formula for expanding the Council to achieve greater regional balance (for Africa and Latin America in particular), or the impact of a proposal that would see additional European representation onto a Council that already has two permanent members from that region.

It is time for a different approach.

We propose a global initiative in which civil society and ordinary citizens use the power of an interconnected world to agitate for a specific set of fair and equitable proposals to amend the UN Charter. Our goal is to establish a broad-based global partnership of civil society organisations that will work with states to ensure action by two-thirds of the members of the UNGA, including the P5 members, to reform the UNSC in line with the global norm of elected representation.

The proposals below will be subject to discussion, amendment and finalisation in the first half of 2015 during a series of stakeholder workshops and consultations, and are intended to be specific and unambiguous. **We do not intend to advocate for a commitment for reform – nominally that exists – but rather on the precise modalities of such reform.** Consultation is important, but this cannot be an open-ended process and like

member states, civil society will need to compromise in search of a common position based on principle.

SIZE AND DURATION

Outside of the UNSC, the UN system (and indeed most modern treaty-based arrangements) is generally based on one country, one vote. This is a general electoral and representative norm that is currently far more widely established at national level and within regional organisations of various shapes and sizes than was the case in 1945 when the UN Charter was signed. Without detracting from the ability of the UNSC to assume responsibility for international peace and security issues, we believe that the UNGA should play a more important role in issues of peace and security. In 1950 already, the ‘Uniting for Peace’ resolution of the General Assembly hinted that the hurdle of UNSC veto power could be surmounted; and that the primary responsibility on certain issues as they relate to the UNSC should lie with the UNGA as the assembly of states party to the UN Charter.¹⁸

In accordance with Article 109 of the UN Charter, we focus our efforts towards a General Conference of UN member states to review the Charter. Members are able to call for such a meeting by a simple majority vote of the members of the UNGA and by a vote of any seven member of the UNSC.¹⁹ Any alteration of the Charter needs to be recommended by a two-thirds vote of the General Conference, and then ratified at national level in accordance with their respective constitutional processes by two-thirds of the members of the UN, including all the permanent members of the UNSC. This is a steep hill to climb.

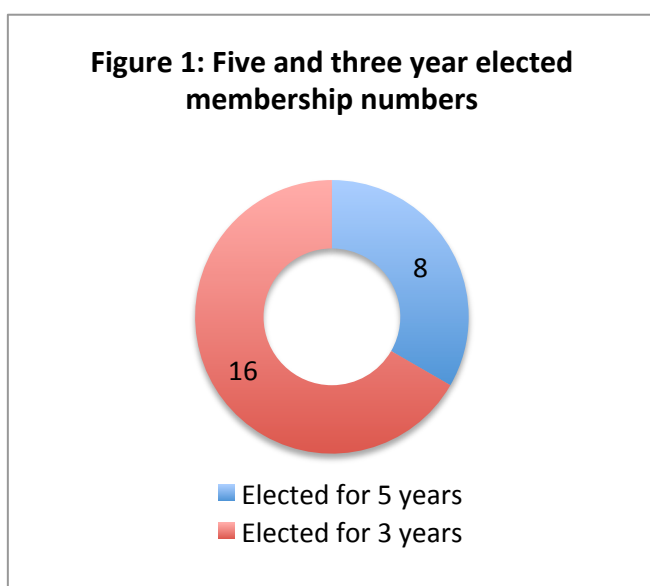
The purpose of the General Conference would be to propose amendments to the current provisions in the Charter contained in *Chapter V: The Security Council* (articles 23 to 32). These amendments should allow for the establishment of a two-tier system of elected membership (for five and three years respectively), bound to five technical requirements for candidacy, based on the current regions that vote for non-permanent seats in the UNSC,²⁰ namely the Eastern European Group (EEG), the Latin American and Caribbean Group (GRULAC), the Western European and Others Group (WEOG), Africa Group and Asia-Pacific Group. Technically the USA is not a formal member of any bloc, but is an observer on the WEOG group.

Regional group	Current number of members	Current % of members	Five-year elected members on UNSC	Three-year elected members on UNSC	Total members on the UNSC
Africa	54	28.0	2	5	7
Asia-Pacific	53	27.5	2	4	7
EEG	23	11.9	1	2	3
GRULAC	33	17.1	1	3	4
WEOG	30	15.5	1	3	4

Total	193	100.0	8	16	24
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Note that the United States is viewed as part of WEOG in the table above.

The calculation of membership of the UNSC that is proposed by **Elect the Council** is set out below. It is based on a formula of one five-year member per 24 countries, and double the number of five-year members to be elected for three-year terms, rounded off.²¹ This gives a UNSC membership of 24 (similar in total to both option A and B contained in the *In Larger Freedom* report), consisting of 8 countries elected for five years and 16 countries elected for three years.



The proposal is for two distinct terms of membership – for three and five years respectively – with the latter group allowing for indefinite re-election.²² Reasonably, one can also assume that the increased complexity of the global community should require slightly longer terms than the current two-year term of the non-permanent seats in the UNSC.

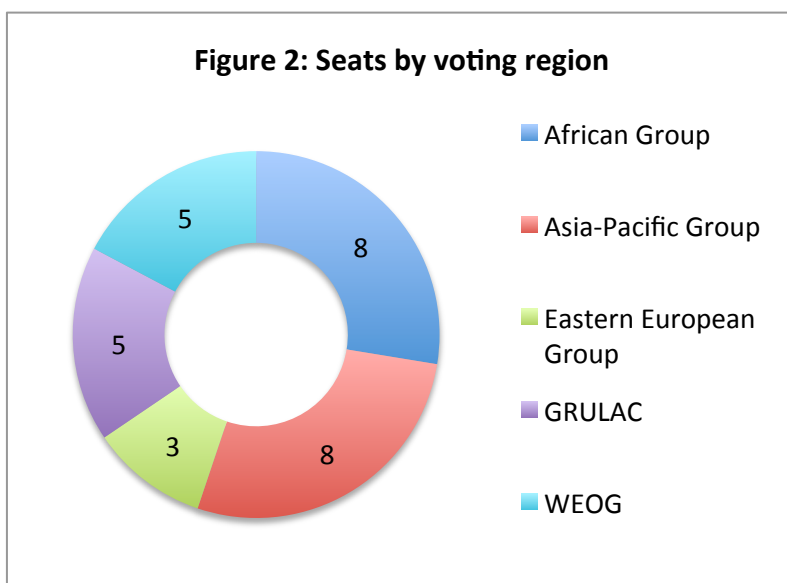
Without prescribing, our hope is that global powers and regional leaders will be re-elected on the five-year ticket, and that the three-year category of membership will allow for flexibility and

representativeness.

There is no magic or ideal size for the UNSC that would satisfy all – and beyond management theories about the maximum size of committees, the only reasonable benchmark for the size of a reformed Council could be the average size of national cabinets; yet these also vary in size and form. Generally, the P5 argue for a smaller increase in the size of a future Council based on their stated emphasis on effectiveness and efficiency. Many in the developing world, on the other hand, argue for a larger increase in the interests of legitimacy and representation. Neither Africa nor Latin America is currently represented amongst the P5, implying that any effort at equity in representation necessarily involves an increase in numbers.

The proposed composition of the Council per region is reflected in Figure 1 below.

As the number of countries in any of the groups increases or decreases, this will automatically impact upon the allocation of seats in the UNSC. The result is a simple yet flexible structure that is representative of all regions in an equitable manner and balances the need for an increase in size (legitimacy) with the need for effectiveness and efficiency.



The tentative criteria for countries that are elected for five year are proposed as follows:²³

- a. Experience (i.e. deployment) and capacity (i.e. actual engagement) in conflict resolution, peace support operations, humanitarian support and post-conflict resolution;
- b. In financial good standing with the UN and its agencies;
- c. Financial contributions to the UN, its agencies and efforts (i.e. above payment of mandatory contributions);
- d. Respect for open, inclusive and accountable governance, the rule of law and international human rights standards;
- e. A retiring member will be eligible for immediate re-election.

The criteria for countries that are elected for three years will be same, except that countries will not be eligible for immediate re-election.

In line with current practice, elections for both categories should be staggered to allow for continuity. Therefore, based on the proposal for 24 members elected for three and five years, the associated electoral cycle would be as follows:

	Year one	Year two	Year three	Year four	Year five	Year six	Year seven	Etc
Elections for 3 year members	5	6	5	5	6	5	5	6
Elections for 5 year members	2	1	2	1	2	2	1	2
Total	7	7	7	6	8	7	6	8

The five regions will expectedly arrange their internal processes for nominations either through a competitive process or some type of restricted system of rotation (since not all countries would qualify or wish to serve on the UNSC). In time, the UN may wish to seek additional financial contributions from members serving on the UNSC through a set formula.²⁴

RULES OF PROCEDURE

Article 30 of the UN Charter stipulates that the Security Council shall adopt its own rules of procedure. The Council did so in 1946, when it adopted its Provisional Rules of Procedure (S/96), which, while having undergone some changes, continue to be provisional.

This proposal is for the General Conference to agree on a set process that will result in approved Rules of Procedure within a set period. This should allow the UNSC to provisionally adopt and recommend (with a two-thirds majority of those present and voting) draft Rules of Procedure to the UNGA, and to do so within one year of the enabling UNGA resolution. The UNGA would be required to approve these rules of procedure by means of a two-thirds majority vote of those states present and voting, within one year after receipt of the draft. Pending such approval, the UNSC should be allowed to operate based on these draft Rules of Procedure. Should the UNSC be unwilling or unable to submit draft Rules of Procedure to the UNGA, the process as agreed by the General Conference should provide that the UNGA would be able to finalise and adopt, by a simple majority, its own version of the rules to which the UNSC should adhere. If no agreement can be reached within the UNGA, the issue should be referred to the International Court of Justice for a final and binding decision.

VOTING

Within the UNSC, each elected country will have one vote. Both substantive and procedural decisions within the UNSC will require a two-thirds majority of those attending and voting. Similar to current provisions, parties to a conflict would have the right to be heard but may not vote (if they are serving members of the Council).

This initiative therefore includes the abolition of the veto²⁵ as well as of permanent membership of the UNSC.

TRANSITIONARY ARRANGEMENTS

The process of transition from the current system to the new would stretch over several years to allow the phasing in of fully elected members in all categories of membership. It would require that the current UNSC continue while ratification at national level proceeds apace; a process that should occur, as part of the UNGA enabling resolution, within one year from the date of the passing of that resolution. Newly elected members would then be phased in as members from the old system are retired, some having agreed to have their terms extended to allow for the transition.

THE IMPORTANCE OF PRINCIPLE

While there will be extensive pressure to complicate a future UNSC structure with ways in which to maintain existing privilege, the proposal set out here is based on simplicity, equity and sustainability.

NEXT STEPS

There can be little doubt that this will not be an easy effort and that various countries, coalitions and interest groups will actively oppose and even work to undermine the campaign and associated recommendations. Civil society organisations may also differ in their approaches and preferences. However, we believe that the merit of the proposal speaks for itself, and that the campaign should pursue its objective based on a clear, principled and detailed approach.

As a global partnership initiative, we intend to work with civil society organisations that can exert influence on national and regional governments, processes and views towards the ultimate objective of UNSC reform. This will allow for a light organisational structure. We hope to receive the support of like-minded countries.

A small global secretariat will be located at the South African office of the Institute for Security Studies (www.issafrica.org) in Pretoria.

During the first half of 2015 we intend to consult widely, hone the concept and start building a global civil society partnership that will later in the year, and in 2016, mobilise for member state action, culminating in a decision during the UNGA in 2017 or 2018. UNSC reform could therefore be achieved in 2019, after due ratification at national level by two-thirds of the member states.

A separate action plan, which is currently under development, details stakeholder mapping, phases, fundraising and sequencing.

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ANNEX A

CURRENT COUNTRY MEMBERSHIP OF UNSC VOTING GROUPS FOR NON-PERMANENT SEATS²⁶

EEG	GRULAC	WEOG	Africa	Asia-Pacific
Albania	Antigua and Barbuda	Andorra	Algeria	Afghanistan
Armenia	Argentina	Austria	Angola	Bahrain
Azerbaijan	Bahamas	Belgium	Benin	Bangladesh
Belarus	Barbados	Denmark	Botswana	Bhutan
Bosnia and Herzegovina	Belize	Finland	Burkina Faso	Brunei Darussalam
Bulgaria	Bolivia	France	Burundi	Cambodia
Croatia	Brazil	Germany	Cameroon	China
Czech Republic	Chile	Greece	Cape Verde	Cyprus
Estonia	Colombia	Iceland	Central African Republic	Democratic People's Republic of Korea
Georgia	Costa Rica	Ireland	Chad	Fiji
Hungary	Cuba	Italy	Comoros	India
Latvia	Dominica	Liechtenstein	Republic of the of Congo	Indonesia
Lithuania	Dominican Rep	Luxembourg	Côte d'Ivoire	Iran
Rep of Macedonia	Ecuador	Malta	Democratic Republic of the Congo	Iraq
Moldova	El Salvador	Monaco	Djibouti	Japan
Montenegro	Grenada	Netherlands	Egypt	Jordan
Poland	Guatemala	Norway	Equatorial Guinea	Kazakhstan
Romania	Guyana	Portugal	Eritrea	Kuwait
Russian Fed	Haiti	San Marino	Ethiopia	Kyrgyzstan
Serbia	Honduras	Spain	Gabon	Laos
Slovakia	Jamaica	Sweden	Gambia	Lebanon
Slovenia	Mexico	Switzerland	Ghana	Malaysia
Ukraine	Nicaragua	Turkey	Guinea	Maldives
	Uruguay	United Kingdom	Guinea-Bissau	Marshall Islands
	Panama	Australia	Kenya	Federated States of Micronesia
	Paraguay	Canada	Lesotho	Mongolia
	Peru	Israel	Liberia	Myanmar
	Saint Lucia	New Zealand	Libya	Nauru

Saint Vincent and the Grenadines	USA (observer)	Madagascar	Nepal
Saint Kitts and Nevis	Israel (temporary for 4 years at a time)	Malawi	Oman
Suriname		Mali	Pakistan
Trinidad and Tobago		Mauritania	Palau
Venezuela		Mauritius	Papua New Guinea
		Morocco	Philippines
	Mozambique	Qatar	
	Namibia	Republic of Korea	
	Niger	Samoa	
	Nigeria	Saudi Arabia	
	Rwanda	Singapore	
	São Tomé and Príncipe	Solomon Islands	
	Senegal	Sri Lanka	
	Seychelles	Syria	
	Sierra Leone	Tajikistan	
	Somalia	Thailand	
	South Africa	Timor-Leste	
	South Sudan	Tonga	
	Sudan	Turkmenistan	
	Swaziland	Tuvalu	
	Togo	United Arab Emirates	
	Tunisia	Uzbekistan	
	Uganda	Vanuatu	
	Tanzania	Vietnam	
	Zambia	Yemen	
	Zimbabwe		

ANNEX B

IMPACT OF ALTERNATIVE NUMBERS OF COUNTRIES PER MEMBER OF THE UNSC²⁷

Regional group	23 countries per seat			24 countries per seat			25 countries per seat		
	Five years	Three years	Total	Five years	Three years	Total	Five years	Three years	Total
Africa	2	5	7	2	5	7	2	4	6
Asia-Pacific	2	5	7	2	4	7	2	4	6
EEG	1	2	3	1	2	3	1	2	3
GRULAC	1	3	4	1	3	4	1	3	4
WEOG	1	3	4	1	3	4	1	2	4
Total	8	17	25	8	16	24	8	15	23

¹ 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 members, (3) regional representation, (4) the size of an enlarged Council and its working methods, and the (5) Security Council-General Assembly relationship. As presented by President of the General Assembly, Miguel D'Escoto Brockmann, on 18 February 2009.

² Their subsequent combined was titled report of '*Notions on the Way Forward*'. They were replaced with two facilitators, then a four-person task force, and eventually managed to publish a draft report in 2008.

³ The formulation included on the agenda of the 69th Session of the UNGA.

⁴ On 6 July 2005 the G4 tabled their draft framework resolution calling for UNSC enlargement to 25 members, including six additional permanent seats. If the G4 proposal was adopted, the new permanent members would, according to article 27 of the UN Charter, automatically enjoy veto rights – although the G4 has accepted to forego their right of veto for at least 15 years.

⁵ The group of around 40 states is led by Italy and Spain (opposing Germany), Mexico, Colombia, and Argentina (opposing Brazil), Pakistan (opposing India), and South Korea (opposing Japan), in addition to Turkey, Indonesia and others.

⁶ Responding to the G4 resolution, the African Union (AU) tabled its proposal (based on the Ezulwini Consensus) calling for 11 additional members on the Security Council (taking it to 26) in July 2005, with Africa gaining two permanent seats and five non-permanent seats that would rotate between African countries. The AU position is that new permanent members gain all existing privileges - including veto powers.

⁷ In September 2008, with the GA 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 General Assembly. 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 issue regarding rules of procedure became a major divisive issue.

⁸ 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 in 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. From <https://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 countries, proposed to the UNGA to maintain the five permanent members and raise the number of non-permanent members to 20. The non-permanent members would be elected by the GA 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, acting as representatives of the UfC group, presented a new model of reform, which was presented as a concrete attempt to reach a deal. The proposal was 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-elections. These new seats would not be allocated to individual countries, but rather to regional groups on a rotational basis. Small- and medium-size states would now also be eligible for regular, non-permanent seats. The proposal included a range of options that goes from abolishing the veto to limiting the application of the veto on Chapter VII matters. From Elisabetta Martini, UN Security Council Reform – Current developments, Istituto Affari Internazionali, no date, https://www.globalpolicy.org/images/pdfs/images/pdfs/IAI_Report_3.pdf

⁹ On 21 March 2005, then UN secretary general Kofi Annan called on the UN to reach a consensus on expanding the council to 24 members, in a plan referred to as 'In Larger Freedom'. He gave two options for implementation, referred to as Plan A and Plan B: Plan A calls for creating six new permanent members, plus three new non-permanent members for a total of 24 seats in the council. Plan B calls for creating eight new seats in a new class of members, who would serve for four years, subject to renewal – plus one non-permanent seat, also for a total of 24. Annan favoured making the decision quickly, and argued for a decision at the September 2005 Millennium+5 Summit.

¹⁰ 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 strongly stated that it considered this specific issue solely 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 – but they were called off in May 2013 when the differences seemed too insurmountable to continue the debate. Tanin concluded that, for the time being, it would be better to put the negotiations on 'strategic hold'. From <https://www.globalpolicy.org/component/content/article/200-reform/52474-reforming-the-working-methods-of-the-un-security-council-the-act-initiative.html>

¹¹ The L69 Group, which also includes the G4 members India and Brazil, appears to now be taking a position that dovetails with the African demands. From Volker Lehmann, *Reforming the Working Methods of the UN Security Council The Next ACT*, FES Perspective, New York, August 2013 available at <http://library.fes.de/pdf-files/iez/global/10180.pdf>

¹² In June 2005, the foreign ministers of the Organisation of the Islamic Conference (OIC) called for a permanent Muslim seat on the UNSC.

¹³ CARICOM has come out in favour of the veto for the new seats advocated by the G4.

¹⁴ Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland. Avoiding far-reaching matters such as changing the Council's composition, for which a two-thirds majority of UN member states in the General Assembly would have to agree on an amendment of the UN Charter, 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 Security Council as regards its relationship with the General Assembly; 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 to reassess their use of the veto: firstly by requiring them to explain why a veto is employed, or even considered; and secondly, by refraining from employing a veto when Council actions are intended to prevent mass atrocity crimes. It was this second proposition, in particular, that divided the P5 from the rest of the non-permanent members. Reiterating that the Council should decide on its own working methods, the P5 let it be known that this was a decision they alone would take. Eventually, putting the S5 initiative to vote in the General Assembly was frustrated by efforts from the P5 and the UfC group, and the draft resolution was withdrawn before a vote. From Volker Lehmann, *Reforming the Working Methods of the UN Security Council The Next ACT*, FES Perspective, New York, August 2013 available at <http://library.fes.de/pdf-files/iez/global/10180.pdf>.

¹⁵ The 2013, efforts by 22 UN member states to improve Accountability, Coherence and Transparency (ACT) (while avoiding the membership issue) include four of the S5 countries. See <http://library.fes.de/pdf-files/iez/global/10180.pdf>. Similar to S5 initiative, ACT seeks to avoid involvement in the debate on reforming and extending the membership of the Council. ACT aims to increase both the involvement of non-Council members and the accountability of the Council to the entire UN membership. The members are from various regions: Austria, Chile, Costa Rica, Estonia,

Finland, Gabon, Hungary, Ireland, Jordan, Liechtenstein, Maldives, New Zealand, Norway, Papua New Guinea, Peru, Portugal, Saudi Arabia, Slovenia, Sweden, Switzerland, Tanzania (observer) and Uruguay. The reform topics that ACT wants to address have a large overlap with the agenda of the S5 – including the much-contested proposal that the P5 should refrain from employing their veto in cases of mass atrocities. ACT also focused on new topics, such as the role of the Council in conflict prevention (according to the Chapter VI of the UN Charter) and the Council's relationship with regional organizations (Chapter VIII). Due to its larger membership, ACT aims to work on a range of topics in parallel, involving smaller teams led by different countries. 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 work of the Council of troop-contributing countries to UN peacekeeping operations. In addition to topical and regional coordination, Switzerland serves as coordinating mission for the entire group.

¹⁶ The US supports the permanent membership of Japan and India and a small number of additional non-permanent members. The UK and France essentially support the G4 position, with the expansion of permanent and non-permanent members and the accession of Germany, Brazil, India and Japan to permanent member status, as well as an increase the presence by African countries on the Council. In December 2012 France announced its support for the proposal that permanent Council members voluntarily forego the use of their veto in reaction to mass atrocity crimes. This shift was in line with its engagement in Ivory Coast and Libya – interventions that were both justified with reference to the responsibility to protect (RtoP) doctrine – while there has been frustration in Paris over the absence of similar action in the case of the Syria conflict. From Elisabetta Martini, UN Security Council Reform – Current developments, Istituto Affari Internazionali, no date, https://www.globalpolicy.org/images/pdfs/images/pdfs/IAI_Report_3.pdf. China supported the stronger representation of developing countries, but has stopped short of endorsing India's Security Council ambitions, except on the condition that India revoked its support for a Japanese candidacy to which it is implacably opposed. Russia has endorsed India's candidature to assume permanent membership on the Security Council. India is the only candidate that has received support from all P5 members as well as various others, including the African Union. Pakistan is the only nation that has specifically apposed India's candidacy.

¹⁷ In 2006, the former German Foreign Minister Joschka Fischer said that Germany would also accept a common European seat – but as long as there is little sign that France and the UK will give up their own seats, Germany should also have a seat. As a result, Germany is apparently willing to consider intermediary arrangements (such as that proposed by the UK and France) – as long as these have a good chance of gaining the necessary two-thirds majority in the UNGA. Within the 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 recognized as a formal EU seat (and therefore form part of the Lisbon Treaty). Since only states can be members of the UN according to the UN Charter, opening up seats for regional organizations on a formal basis would unlatch a Pandora's box.

¹⁸ The Uniting for Peace resolution – also known as the 'Acheson Plan' – was adopted on 3 November 1950 after 14 days of Assembly discussions – by a vote of 52 to five with two abstentions as a means, by the USA, to circumvent further Soviet vetoes during the course of the Korean War. To facilitate prompt action by the GA in the case of a deadlocked UNSC, the resolution created the mechanism of the 'emergency special session' (ESS), which can be called upon the basis of either a procedural vote in the Council, or within 24 hours of a request by a majority of UN members being received by the secretary-general. In procedural votes, the P5 do not have the ability to block the adoption of draft resolutions; so, unlike substantive matters, such resolutions can be adopted without their consent. By adopting A/RES/377 A, over two-thirds of UN member states declared that, according to the UN Charter, the permanent members of the UNSC cannot and should not prevent the UNGA from taking

any and all action necessary to restore international peace and security, in cases where the UNSC has failed to exercise its 'primary responsibility' for maintaining peace.

¹⁹ Article 109 reads, in full, as follows:

1 A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2 Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3 If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

²⁰ The formula for regional groups for the purposes of elections to the UNSC is also set out in GA 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 elections for the African (three seats) and Asia-Pacific (two seats) operate separately.

²¹ Based on double the actual fraction of five-year members, with the result rounded off. Changing the number of countries 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 B.

²² This draws on the provisions contained in the African Union's Protocol on its Peace and Security Council, which provides for two categories of two and three-year membership.

²³ Although for a different formula, the criteria proposed by the UN report of the High-level Panel on Threats, Challenges and Change, are that new members of the UNSC must have contributed 'most to the United Nations financially, militarily and diplomatically', particularly through contributions to the UN assessed budgets and through participation in mandated peace operations. The other conditions identified in the report are that new members should 'represent the broader UN membership, increase the demographic and accountable nature of the Security Council, and should not impair its effectiveness.' UN High-level Panel on Threats, Challenges and Change, *A more secure world: our shared responsibility* (A/59/565), 2 December 2004, par 244-60, www.un.org/secureworld/report.pdf. According to a 2005 statement by the US Department of State, the US is in favour of a 'criteria-based approach under which potential members must be supremely well qualified, based on factors such as: economic size, population, military capacity, commitment to democracy and human rights, financial contributions to the UN, contributions to UN peacekeeping, and record on counterterrorism and non-proliferation. We have to look, of course, at the overall geographic balance of the Council, but effectiveness remains the benchmark for any reform.' U.S. Priorities for a Stronger, More Effective United Nations, U.S. Department of State, 20 June 2005, as cited by http://en.wikipedia.org/wiki/Reform_of_the_United_Nations_Security_Council#cite_note-state2005-56 India has also come out in support of criteria-based approach for any expansion of permanent membership, and came the closest to calling for elections by referring to the democratic deficit in its composition.

²⁴ The current scales of assessments are set out in General Assembly resolution 67/238 Scale of assessments for the apportionment of the expenses of the United Nations, A/RES/67/238, 11 February 2013.

²⁵ The power of the veto is particularly problematic. A P5 member can prevent the adoption of any (non-procedural) UNSC draft resolution not to their liking. Even the threat of a veto may lead to changes in the text of a resolution, or it being withheld altogether (the 'pocket veto'). As a result, the power of veto often prevents the Council from acting to address pressing international issues and affords the P5 great influence within the UN institution as a whole, including to the selection of the UNSG, as well as any amendments to the UN Charter (Art 108 and 109).

²⁶ The current non-permanent seats allocate one seat for the GRULAC Group; two seats every even calendar year for WEOG (competition is open between various subgroups consisting of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), the CANZ (Canada, Australia and New Zealand) and the Benelux (Belgium, Luxembourg and the Netherlands); one seat for EEG every odd calendar year; three seats for Africa group with its five sub-regions; two seats for Asia-Pacific group/Group of Asia and the Pacific Small Island Developing States.

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