



Elect the Council



Background and Motivation

Towards a legitimate and effective UN Security Council

Elect the Council is a global civil society initiative to advocate for countries to be elected to the United Nations Security Council based on regional representation, and to do away with the system of permanent seats and veto rights. The initiative intends to support member states to work to an enabling resolution by the UN General Assembly that would expand the Council and, over a period of 15 years, normalise the power and influence of the Permanent Five.

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WHY NOW?

There will never be a perfect moment for such an ambitious undertaking as reforming the United Nations Security Council (UNSC), but the longer it takes to start this process the more difficult it becomes to base a reformed system on principle rather than outdated expediency. Power is shifting and the proposals set out by Elect the Council to achieve reform over a fixed period of time will normalise the inordinate influence of the Permanent Five (P5) and allow space at the table for additional seats that would more accurately reflect the 21st century. The intent is a legitimate and more effective organisation that is fit for purpose – i.e., bearing responsibility for international peace and security in an interconnected and dynamic world.

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 1945. Beyond a threefold increase in the global population, 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/North to the East/South; and an ongoing transition from a brief period of unipolarity to greater multipolarity.

This century will probably be dominated by two, likely three, superpowers, namely China, the United States (US) and eventually India. The future is, however, not predetermined and deep integration in regions such as Africa or Europe could offset these trends, as may global war, a pandemic or systemic collapse/turbulence in key countries. Transnational threats such as terrorism and cybercrime are straining national capacities, while globally armed conflicts are increasing, reversing the sharp downturns seen after the collapse of the Berlin Wall. Yet we are stuck with a global peace and security governance architecture dating from the first half of the previous century that is in danger of becoming dysfunctional and irrelevant if it fails to confront its representation deficit. While a transformed UNSC is no panacea for the efficient management of international peace and security issues, the Council still has unparalleled legitimacy and serves as the pre-eminent global shock absorber through which the international community can confront shared challenges and responsibilities.

Greater multipolarity does not imply instability, but the global transitions that accompany the shift from the US and the former United Soviet Socialist Republic to, eventually, China and India (as well as several new middle powers) are inherently disruptive. In short, in the years that lie ahead the world will need an effective and legitimate UNSC to assist in the development of a shared practice to confront emerging threats.

It is not possible to quantify the impact of greater legitimacy on the effectiveness or efficiency of the UNSC. Many analysts argue that the current inefficiencies serve P5 interests by providing them with sufficient freedom of action to act outside the Council in their national interest. Outside the P5 there is broad consensus that the power of the veto is particularly problematic. 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 the text of a resolution or its being withheld altogether (the 'pocket veto'). As a result, the power of the 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 in the selection of the UN secretary general and amendments to the UN Charter. The location of the UNSC at the apex of the UN system and the power granted to these five countries cascades through every level of the UN, enhancing and reinforcing their influence to complement their economic size and military might. Instead of protecting the weak against the strong, this privilege reinforces the ability of the P5 members to extend their already significant influence.

Globally, the UNSC is the pre-eminent executive body on international peace and security issues and its decisions are binding. The lack of reform at this level has an impact on the legitimacy and effectiveness of the entire UN system. It has hamstrung effective reform of the UN Human Rights Council and the enlargement of the Economic and Social Council (ECOSOC), both of which tried to institute structural change with limited success. Elsewhere, in the case of the World Bank, the International Monetary Fund and the Asian Development Bank, the lack of reform in the distribution of voting rights has already seen the establishment of alternative financial institutions such as the Asian Infrastructure Investment Bank.¹ If there is no progress in resolving the current impasse on UNSC reform it may, in time, delegitimise the entire UN system – a development even the P5 may find unpalatable.

A FRUSTRATED HISTORY

After the 1965 enlargement of the non-permanent seats of the UNSC from six to 10 members, reform has been on the agenda of the UNGA since 1979, when India – supported by a number of others – and then Latin American states proposed changes to size and regions. With only China among the P5 in favour of expansion, no substantive discussions were held and the issue was deferred year after year until eight countries revitalised the debate at the 47th Session of the UNGA in 1991.² In December 1992 UNSC reform was added to the agenda of the UNGA.³ In 1993 this resulted in the establishment of the Open-Ended Working Group (OEWG) and included in the provisional agenda of the 49th UNGA session the item ‘Question of equitable representation on and increase in the membership of the Security Council and related matters’.⁴ Ahead of that, the UNSG report dated 20 July 1993 set out the comments received from 75 member states on UNSC reform.⁵

A March 1997 paper by the president of the General Assembly and chairperson of the OEWG, Ambassador Razali Ismael, presented a draft resolution that called for the addition of five permanent seats without veto power and four non-permanent seats,⁶ but it did not garner enough support.

A year later, the UNGA resolved ‘not to adopt any resolution or decision on the question of equitable representation on and increase in the membership of the Security Council and related matters, without the affirmative vote of at least two thirds of the Members of the General Assembly’.⁷ The subsequent 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.

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 two members to guide the process.⁸ In September 2007, it was agreed to start intergovernmental negotiations, the modalities 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' – possibly raising the bar to above two-thirds of membership. 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 over version 2 versus version 3, among others.⁹

During the 2005/07 efforts the G4 group,¹⁰ comprising Brazil, India, Japan and Germany, battled it out to stalemate with the Uniting for Consensus (UfC) group,¹¹ the African Group¹² and others.¹³ Lacklustre meetings thereafter produced no progress and the process has been effectively moribund for several years.¹⁴

Numerous proposals and formulas have been tabled during these processes. The two options contained in the 2005 *In larger freedom* report by the UNSG are perhaps the best known,¹⁵ advocating for an increase in membership from the current 15 to 24 members.¹⁶ 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. 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'.¹⁷

Subsequent proposals included additional permanent seats and various permutations of semi-permanent seats,¹⁸ 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)¹⁹ and regional organisations such as the Organisation of the Islamic Conference,²⁰ the Caribbean Community²¹ and the African 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, the P5 members claim that they are open to expansion (even with new permanent seats) but disagree on which countries 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 for a second dedicated non-permanent set for themselves, and the Small Island Developing States group wants a dedicated cross-regional seat in return for its support for additional permanent seats.

In 2014, the issue 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. In April 2015 the current chairperson of the intergovernmental process, Jamaican

Ambassador E Courtenay Rattray, circulated a one-page 'framework' that member states were requested to populate in an effort to get a manageable text – with an immediate objection to this innocuous effort from China, the Arab Group and the UfC. There is little prospect of the latest discussions producing a different result, as there has been no fundamental shift in the basic premise upon which agreement is sought. Positions remain as entrenched today as they were in 1992/93, 1997/98, 2000, 2004, 2006/07/08 and 2013/14.

Groups such as the Small Five (S5)²² and its successor, the 22-member ACT grouping (to improve Accountability, Coherence and Transparency)²³ 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.²⁴

THE IMPASSE

None of the efforts described in the previous section has thus far achieved any success, and with global competition and flux at its current level it is unlikely that a state-led process could produce a different result without a change in approach. As was evident from its inability to act on Syria and Ukraine in 2014 and 2015, the veto – or the threat of using it – by any of the P5 members paralyzes the Council. The veto thus remains an important impediment to the ability of the UNSC to fulfil its mandate. Apart from the fact that most of the so-called penholders, which take charge of a particular topic, 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. In discussions on reform P5 members regularly use 'effectiveness' of structures and 'capacity' as a pretext, ignoring the fact that 'the question is not *whether* there will be a decision but *which* decision it will be'.²⁵

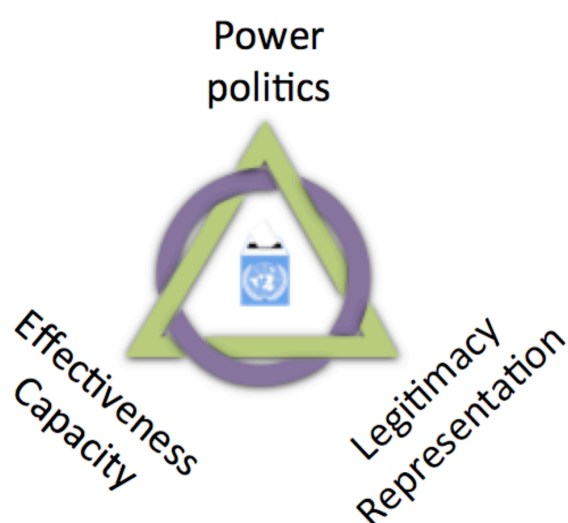
The inordinate influence that the P5 has on the workings and decision of the Council is a particular source of frustration to African countries, since this is where the UNSC expends most of its efforts. It is also likely that it will continue to need to focus on supporting Africa and the Middle East, the two regions with the highest armed conflict burden globally.

Publically, the P5 members keep a low profile on reform given their preference for maintaining the status quo, for reform that would not dilute their privilege and for a global system that does not to constrain their freedom of action.²⁶ 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.²⁷ Aspirant middle powers to permanent seats such as Germany,²⁸ India, Brazil and Japan find their ambitions blocked by regional competitors (the UfC in particular), the lack of agreement on a formula for expanding the Council to achieve greater regional balance (particularly for Africa and Latin America), and a proposal that would see additional European representation on a Council that already has two permanent seats from that region. Lydia Swart and Cile Pace are

therefore probably correct in their view that '[o]nly when faced with an aggressive majority will the P5 feel the need to show flexibility'.²⁹

When critics including many member states point out that the veto makes the Council dysfunctional, it is difficult to argue that an increase in the number of countries with this power would improve efficiency. As a result it appears unlikely that the majority of member states would agree to provide this power to additional countries, as advocated by the G4, L69 and African Group.

Figure 1: The elusive sweet spot



This history of frustrated reform efforts indicates that a realistic prospect for movement needs to balance three divergent requirements: the constraints of power politics; the need for effectiveness/capacity; and the need for increased legitimacy and representation. This is a task that should unfold over several years, to accompany rather than pre-empt global re-alignments in power and influence.

At member state level reform efforts face four obstacles. First there is the challenge of accommodating the two great powers of the first part of the 21st century – the US and China – both very comfortable with the veto power. At the other extreme is the demand from smaller countries for equal treatment and the opportunity to also serve on the Council, and hence their rejection of efforts to establish a benchmark consisting of minimum criteria that they may be unable to meet. In between these two groups are the UK, France and Russia, all of which are well served by the current arrangement, which accords them privileges they could not otherwise obtain. Then there are the 'others' (generally identified with the UfC) – a grouping that includes regional contenders and countries with principled objections intent on frustrating the efforts of regional powers (and aspirants to permanent seats) to entrench their purported regional privilege.

FROM PRINCIPLE TO PRACTICE

Outside 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 was the case 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. Looking to the future, reform of the UNGA and other components in the UN system may have to consider additional criteria such as a regressive magnitude factor based on population size, economic weight, and the means and willingness to contribute to

global issues – or a combination of all three.³⁰ Elect the Council steers clear of these challenges and is only focussed on the immediate reform of the UNSC, not on the reform of the UNGA or even the relationship between the UNGA and the UNSC.³¹

In accordance with Article 108 of the UN Charter, civil society should focus its efforts on working with member states towards a resolution on an amendment to the Charter. This would be effected through a two-thirds majority vote by UNGA members, and would then be ratified at national level in accordance with their respective constitutional processes by two-thirds of the members of the UN, including all the P5 members. This is a steep hill to climb.

The resolution (a draft of which will be attached to the final version of the accompanying summary document) would amend articles 23 to 32, and 109. These amendments would propose the establishment of a two-tier system of elected membership (we propose five and three years respectively), bound to five technical requirements for candidacy enacted at regional level. Member states may also wish to change the composition of the current regions that vote for non-permanent seats on the UNSC,³² namely the Eastern European Group (EEG), the Latin American and Caribbean Group (GRULAC), the Western European and Others Group (WEOG), the African Group and the Asia-Pacific Group, but such changes do not require an amendment to the Charter. The proposals assume no change to the current composition of these voting regions, but will not be affected by such changes should they occur.

SIZE AND MINIMUM CRITERIA

There is no ideal size for a reformed UNSC. Beyond management theories about the maximum size of committees, the only reasonable benchmark could be the average size of national cabinets, yet these also vary in size and form. Generally, the P5 members 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 among the P5, implying that any effort at equity in representation necessarily involves an increase in numbers.

Then there are the criteria for candidacy. Some countries resist minimum criteria that could bar a country from standing as a candidate, insisting on the right of all countries to contest for UNSC membership. More than 60 UN member states have never been members of the UNSC and a substantial number of these have never contested for such a position either within their regions or globally.³³

It is important to recognise the large disparities in population and economic and military size between members of the UNGA, which underpin the requirement for minimum criteria for election to the UNSC. For example, in theory it is possible for 129 countries with a combined 8% of global population to command a two-thirds vote in the UNGA – or for 65 countries with less than 1% of global population to block a substantive vote requiring a two-thirds majority in the UNGA.³⁴ The disparities in economic size are substantially larger. This would

be a huge obstacle to reform if all countries were part of a single electoral college, but the system in which countries are grouped in regions for electoral purposes in the UNSC provides a practical constraint to a potential dictatorship of minorities.

Elect the Council proposes five minimum criteria for candidates, to be included in the draft UNGA resolution, but the electoral regions should adopt their own modalities to identify candidates (rotation, competition, additional regional criteria, etc.) within their respective regions. Thus electoral regions would be responsible to ensure that candidate countries meet the following criteria:

- Experience (i.e. peacekeeping deployment, engagement in humanitarian support, conflict resolution and participation in peacebuilding) and capacity (i.e. resources such as diplomatic missions in New York, Geneva and Nairobi, globally and in conflict-affected regions)
- 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 UNGA³⁵
- Respect for open, inclusive and accountable governance, the rule of law and international human rights standards

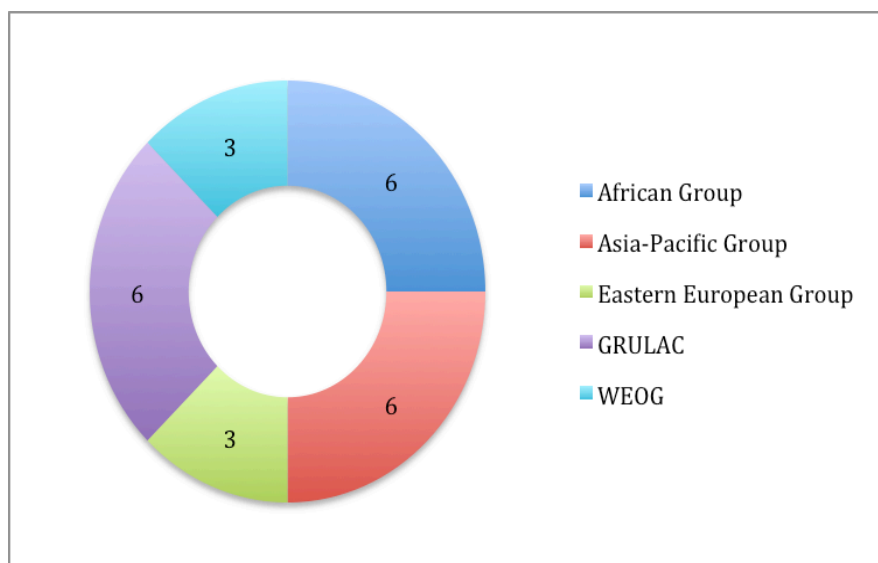
A retiring five-year member will be eligible for immediate re-election.

SEATS PER REGION

The calculation of membership of the UNSC that is proposed by Elect the Council is based on a formula of one five-year member per 22 countries, and double the number of five-year members to be elected for three-year terms, rounded off.³⁶ This gives a UNSC membership of 24, consisting of eight countries elected for five years and 16 countries elected for three years. 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 General Assembly and chairperson of the OEWG. Annex B presents the impact on the size of the Council of increasing or decreasing the number of countries per seat.

Regions should determine how they wish to occupy their respective quota of seats. In some regions global powers and regional leaders could be re-elected on the five-year ticket (or rotate on an agreed internal arrangement) and the three-year category of membership would allow for flexibility and representativeness for other members, either through a competitive process or a restricted system of rotation (since not all countries would qualify or wish to serve on the UNSC).

Figure 2: Proposed composition of a reformed UNSC by region



The five-year seats could allow for indefinite re-election, while countries elected for three years would have to wait for a term before being able to stand for re-election.³⁷

As the number of countries in any group increase or decrease, this will 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 yet flexible structure that is representative of the various regions and of the membership of the UN generally in an equitable manner, and that balances the need for an increase in size (legitimacy) with the need for effectiveness and efficiency.

The current composition of voting groups and the three- and five-year seats within a reformed UNSC are summarised in Table 1. Annex A lists the countries in each group.

Table 1: Current composition of voting groups for non-permanent elections to the UNSC

Regional group	Current number of members	Current % of members	Five-year seats on UNSC	Three-year seats on UNSC	Total seats on UNSC
African	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 with the WEOG

STAGGERED ELECTIONS

In line with current practice, elections for both categories should eventually be staggered to allow for continuity. Countries elected initially may serve for longer or shorter terms to allow for an eventual staggered system.

Based on the proposal for 24 members elected for three and five years, the eventual staggered electoral cycle is set out in Table 2.

Table 2: Proposed electoral cycle

	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

During the first 15 years the P5 would occupy five of the five-year seats, changing the required number of elections for these seats per region.

The transition from the current system to the new would require that the current UNSC continues while ratification at national level proceeds apace; a process that should occur within one year from the date of the passing of the UNGA resolution.

TRANSITIONARY MEASURE FOR THE P5

Although the world is experiencing changes in power configurations, these take time and the P5 members will not readily agree to changes that dilute their status. Current arrangements provide the P5 with unprecedented privilege that countries such as the UK, France and Russia would not otherwise obtain.

During a 15-year transition period we propose that the current P5 would occupy five of the five-year seats and have additional votes during the first 10 years. While the electoral groupings may change at any point, under the current groupings the P5 would occupy the following five five-year seats:

- Asia-Pacific Group – China. This group would still have to elect countries to fill one additional five-year seat and four three-year seats.
- EEG – Russia. This group would still have to elect countries to fill two three-year seats.
- WEOG – The USA, UK or France. This group would still have to elect two countries to fill three-year seats.
- African Group – The USA, UK and France. This group would still have to elect four three-year seats.

- GRULAG – the USA, UK or France. This group would still have to elect one country to fill a five-year seat and four three-year seats.

After 15 years the current P5 members would only serve on the UNSC if elected by their respective regions.

VOTING

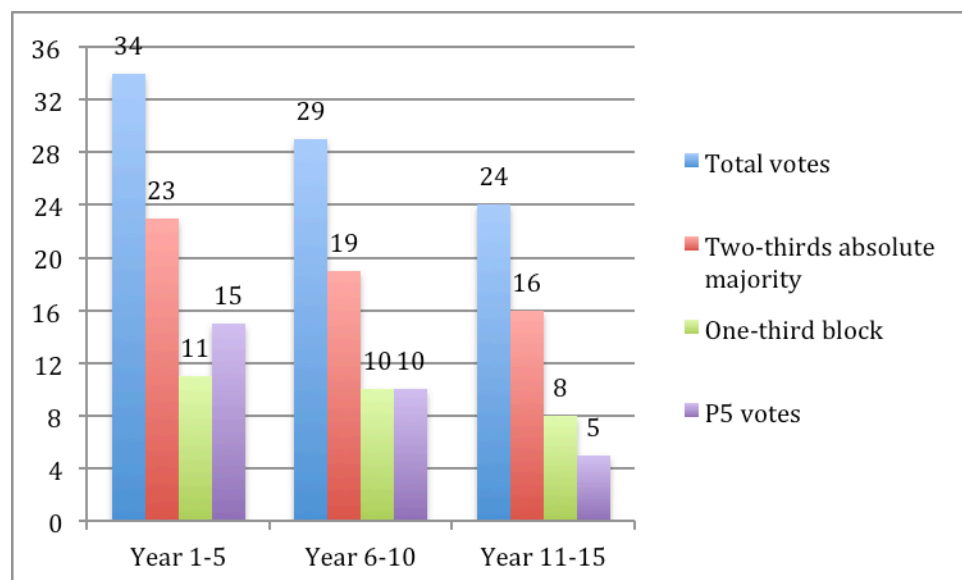
Within the UNSC, each country present will have one vote, except for the first 10 years for the current P5 members.

Both substantive and procedural decisions within the UNSC will require a two-thirds majority of the votes cast.

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).

During the first five years of the transition period, a vote cast by a current P5 member would count as three votes instead of one, and as two votes instead of one for the second five years. The maximum number of votes during a session of the Council would therefore be 34, 29 and 24 in each of the three successive five-year periods during which the P5 members are not elected to the UNSC.

Figure 3: Votes in the UNSC for the first 15 years



After 15 years the P5 members would need to contest for elections in their respective regions should they wish to remain on the UNSC.

During the first five-year interim period, any two P5 members plus one ordinary vote would have a blocking veto of 11 votes. Collectively the P5 would have 15 votes, enabling it to block

any initiative (since it has more than one-third of all votes but less than two-thirds [23 votes]).

During the second five-year interim period, the P5 members would collectively have a one-third blocking vote. They would need nine additional votes to get a two-thirds majority.

During the third five-year interim period, the P5 would have five of a total of 24 votes, three votes short of a blocking one-third.

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 amended several times since then.

The UNSC would provisionally adopt and recommend (with a two-thirds majority of those present and voting) draft rules of procedure to the UNGA, and 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 the draft rules of procedure. Should the UNSC be unwilling or unable to submit draft rules of procedure to the UNGA, the latter 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.

NEXT STEPS

There can be little doubt that this will not be an easy process and that various countries, coalitions and interest groups will actively oppose and even work to undermine the campaign and associated recommendations. Civil society organisations will also differ in their approaches and preferences. However, we believe that the merits of the proposal speak for themselves, and that the Council should pursue its objective based on a clear, principled and detailed approach that is sensitive to the realities of power.

During the first half of 2015 we intend to consult widely, further hone the concept and start building a global civil society partnership that will mobilise for member state action based on a final version of the summary document, including a proposed UNGA resolution.

As a global partnership initiative we intend to work with civil society organisations and individuals that can mobilise public interest and 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, over time, to receive the support of like-minded countries, private foundations and business.

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

A separate action plan is being developed that details stakeholder mapping, phases, fundraising and sequencing.

CONCLUSION

While there will be substantial pressure to complicate the future UNSC structure in order to maintain existing privilege, the proposal set out here is based on simplicity, equity and sustainability. At the same time it is important to accommodate the P5 through a phased normalisation while doing away with the current veto-based system and making the Council more representative.

To assist the cause of those member states that are serious in pursuing UNSC reform, 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 (and interested individuals) 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 set out here are currently subject to amendment and finalisation during a series of stakeholder workshops and consultations, and to the wide dissemination of the concept note, this being the second version. The proposals are intended to be specific and unambiguous. We do not intend to advocate for a commitment to reform – nominally that already exists – but rather on the precise modalities of such reform. Consultation is important, but realistically this cannot be an open-ended process. Like member states, civil society will need to compromise in search of a common position based on principle and transcend the inevitable parochial responses that often surface during these discussions.

It is hardly possible to overstate the contribution that the UN has made over almost three-quarters of a century to issues that affect the daily lives of all of the world's people. Its membership has expanded rapidly over the years, yet no country has felt strongly enough about its treatment at the UNGA or at the hands of the UNSC to leave the organisation. This is despite some being placed under sanction and even subjected to armed action authorised by the Council. We cannot assume that this generally favourable situation affecting the UN system will continue without reform of the UNSC, which is at the pinnacle of the UN system. Wealthy countries are frustrated by waste and inefficiency, while poor countries complain about lack of representation in the Council. The UN as a whole suffers while progress on UNSC reform stalls because of the intense political divides that spill over into other processes and vote buying. In reality, representivity and effectiveness are two sides of the same coin and have a deep impact on one another.

It is not possible to deliberate with certainty on the potential impact of UNSC reform on the rest of the UN system, but it is clear that the current impasse blocks progress and efficiency at many other levels, including within the secretariat, the UNGA, ECOSOC and the Human Rights Council. The result is a divided organisation – between the power of the majority and the power of the purse,³⁸ and between those countries that favour a more interventionist approach to peace and security issues and countries that emphasise national sovereignty. These coalitions are generally delineated by the G-77 and the OECD groupings respectively, often take opposing positions on key issues, including climate change and sustainable development goals. Instead of focusing on common goals, their efforts are often intended to frustrate the other. An integrated and interdependent world needs a different solution as populations, trade and challenges expand.

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ANNEX A

CURRENT UNSC VOTING GROUPS FOR NON-PERMANENT SEATS³⁹

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 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

St Vincent and the Grenadines	US (observer)	Madagascar	Nepal
St Kitts and Nevis	Israel (temporary for four 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 UNSC

Regional group	21 countries per seat			22 countries per seat			23 countries per seat		
	Five years	Three years	Total	Five years	Three years	Total	Five years	Three years	Total
African	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

NOTES

¹ Launched by China in October 2014.

² 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*, 7, 2003, 186–7.

³ A/RES/47/62 of 11 December 1992.

⁴ A/RES/48/26 of 3 December 1993.

⁵ Doc A/48/264 of 20 July 1993.

⁶ The new permanent seats would not have veto rights and the situation would be reviewed after 10 years.

⁷ A/RES/53/30 of 1 December 1998.

⁸ Lydia Swart and Jonas von Freiesleben, *Governing & managing change at the United Nations: reform of the Security Council from 1945 to September 2013*, Centre for UN Reform Education, September 2013, Vol. 1, appendix III and IV, <http://centerforunreform.org/?q=node/604>, accessed 25 April 2015.

⁹ Lydia Swart, Reform of the Security Council 2007–2014, in *ibid.*

¹⁰ 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.

¹¹ At its core the UfC consists of 12–14 states, but its views are shared by an additional 20–30 others that also do not like new 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 countries. 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.

¹² 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 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 seats gain all existing privileges, including veto powers, and that the AU would ‘choose’ the two new permanent seats. According to some interpretations, this would open the door to rotating countries being accountable to the AU. 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 argued that they would serve in their national capacity when elected by the AU.

¹³ 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 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.

¹⁴ 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. 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 countries, 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 countries, 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, www.globalpolicy.org/images/pdfs/images/pdfs/IAI_Report_3.pdf, accessed 2 February 2015. 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, accessed 23 April 2015.

¹⁵ On 21 March 2005, then UN secretary general Kofi Annan called on the UN to reach 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 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. Annan favoured making the decision quickly, and argued for a decision at the September 2005 Millennium+5 Summit.

¹⁶ Model A provides for six new permanent seats, with no veto being created, and three new two-year term 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.

¹⁷ 2005 World Summit Outcome Document, par 153.

¹⁸ 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.

¹⁹ The L69 group, which includes G4 members Brazil and India, produced a proposal and draft resolution in 2012 that meets the demands of the African Group. Lydia Swart and Jonas von Freiesleben, *Governing & managing change at the United Nations: reform of the Security Council from 1945 to September 2013*, Centre for UN Reform Education, September 2013, vol. 1, 24 and appendix V, <http://centerforunreform.org/?q=node/604>, accessed 26 April 2015.

²⁰ In June 2005, the foreign ministers of the Organisation of the Islamic Conference (OIC) called for a permanent Muslim seat on the UNSC.

²¹ 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. Centre for UN Reform Education, *Governing & managing change at the United Nations: reform of the Security Council from 1945 to September 2013*, September 2013, vol. 1, appendix VIII.

²² 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 Security Council 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 UNSG. 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 General Assembly 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. The S5 dissolved after this effort.

²³ 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 countries. 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 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 UNSC's work of troop-contributing countries 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, accessed 23 April 2015.

²⁴ Veto restraint has been on the agenda since 1992.

²⁵ Axel Moberg, *The weight of nations – four papers on the institutional negotiations in the EU 1996–2007*, Malmö, 2014, 11.

²⁶ The US supports the membership of Japan and India and a small number of additional non-permanent seats. The 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 countries. China supported the stronger representation of developing countries, but has stopped short of endorsing India's Security Council ambitions. Russia has endorsed India's candidature to assume a permanent seat on the Security Council.

²⁷ The abolition of permanent seats is, of course, most threatening to the UK, France and Russia; countries that have lost their global pre-eminence and, without nuclear weapons, would have limited claims to global influence.

²⁸ In 2006, 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 those 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 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.

²⁹ Lydia Swart and Cile Pace, *Changing the composition of the Security Council: is there a viable solution?*, Center for UN Reform, 1 March 2015, 2, <http://centerforunreform.org/sites/default/files/SCReform1March2015.pdf#overlay-context=>, accessed 19 April 2015. Edward Luck notes that in 1963, of the five permanent seats only China voted for the UNGA resolution to expand the UNSC, with the other four eventually going along with the resolution and ratifying the amendment. See 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*, 7, 2003, 186–7, footnote 7.

³⁰ See, for example, Joseph E Schwartzberg, *Transforming the United Nations system: designs for a workable world*, New York: United Nations University Press, 2013. Most likely future reform would see the adoption of a progressively proportional system where various classes of countries would be created with the weight of a vote differing between classes. Examples include the German Bundesrat and the European Parliament. The US presidential Electoral College uses the same principle but reserves a minimum number of seats per state.

³¹ 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. UNGA Decision 62/557 of September 2008. Elect the Council primarily deals with the first four of these aspects.

³² The formula for regional groups for the purposes of election to the UNSC is also set out in 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.

³³ See UN Security Council, *Countries never elected members of the Security Council*, www.un.org/en/sc/members/notelected.asp, for a list of countries that have never been elected as members of the UNSC.

³⁴ 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: United Nations University Press, 2013, 6.

³⁵ 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 countries. 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.

³⁶ 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.

³⁷ 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.

³⁸ 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/>, accessed 19 April 2015

³⁹ 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 sub-regions; and two seats for the Asia-Pacific Group/Group of Asia and the Pacific Small Island Developing States.