CHANGING THE COMPOSITION OF THE SECURITY COUNCIL: IS THERE A VIABLE SOLUTION?

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Reform of the Security Council has been on the agenda of the General Assembly (GA) for more than 20 years. This reform has five key elements, some of which cannot be resolved step-by-step because they are interlinked: expansion of the Council, extending and/or restraining veto power, regional representation, size and working methods, as well as the relationship between the Council and the GA. (See GA Decision 62/557). Options for expansion include additional permanent seats, additional non-permanent seats, and a new category of longer-term seats. Currently, the Council has five permanent members and 10 non-permanent members that are elected for a two-year term. Even as a 15-member body, its decision-making is far from easy, not in the least because the five permanent members enjoy the power of veto.

Who are those countries?

Just a small group of countries is expected to substantially benefit from expansion of the Council with new permanent seats: Brazil, Germany, India, Japan (G4), plus Nigeria and South Africa (together the G6). These countries exert considerable pressure on other Member States to resolve this issue. You’d expect that they would understand by now - after 20 years of unsuccessfully tackling this issue in the General Assembly - that it would be better if they gave up their ambitions for new permanent seats, and pursue alternative options.

Instead they seem to think: if only we had a more courageous Chair and President of the General Assembly - willing to stand up to China, the Russian Federation, and the United States. If only everybody would realize that just a handful of Member States - our regional rivals - are preventing progress. If only the African Group would give up its maximalist common position. If only we had more interest from the media and civil society. If only academics would make helpful suggestions. If only we had a process that would get the capitals engaged again. If only we could separate a decision on expansion from some of the other issues... What if we just leave the issue of veto power vague, or postpone a final decision on it... If only we had a shorter text for the negotiations... If we could just have straw votes, surely we can narrow down positions...

All these *ifs* more than hint at the complexities involved. Frankly, the national blinders of these countries prevent them from seeing what is obvious to many: there is considerable opposition to new permanent seats and the veto.

Could 2015 be the year when bold decisions on Security Council Reform will finally be made?

One regularly - and maybe increasingly - hears calls to make the UN’s 70th anniversary the time to finally reform the Security Council. But there is not much reason to be optimistic, mainly because the positions from the various groupings have not significantly changed since the 2005 World Summit. Positions on both process and substance are entrenched. Progress will likely only occur when those countries that have been pushing the hardest for expansion realize that there is little chance of success without considerable compromise.
Is the G4’s claim that just a handful of countries are preventing progress true?

True, the active membership of Uniting for Consensus (UfC) is not that large: about a dozen countries that actively oppose new permanent seats. But there are many other countries that do not like the idea of new permanent seats. Some of these do not see enough reason to publicly oppose the G4 or the common African aspirations as long as the negotiations are not going anywhere. Quite a few have objections to a solution that cannot easily be revisited. Others believe that besides a Council that better reflects contemporary realities, reform should also mean that the Council should become more effective. And there is opposition from the current permanent members.

But one often hears that the existing permanent members are open to new permanent seats...

In public, the P5 - China, France, Russian Federation, United Kingdom, and United States - claim that they are open to expansion with new permanent seats. But they disagree on which countries to support, and that may be intentional. Behind the scenes - China, Russia, and the US (the P3 on this issue) - have effectively prevented progress. China is even active in the UfC grouping.

Only when faced with an aggressive majority will the P5 feel a need to show flexibility. Some countries seem to forget that any changes will only come into effect after 2/3rd of UN Member States, 128 out of 193, have ratified the outcome. Moreover, all five permanent members need to ratify, providing each of them with a virtual veto. Few foreign policy experts believe that the US Senate would ratify six new permanent seats.

What about efforts to restrain the veto?

France has proposed a new code of conduct that would impose conditions on using the veto in the case of mass atrocities. It would be voluntary. Besides some skepticism about it being a genuine proposal - some see it as a way to stall negotiations on expansion - there is a good chance that the details would take many years to sort out, even if it continues to gain considerable support from countries and have strong objections to some of the aspirant countries and are unlikely to be coy about asserting their power when they feel the need.

France and the UK (the P2) have appeared more flexible, at least on the surface. In mid-February of this year, the UK made it quite clear that it does not want veto rights to be extended to new permanent seats. G4 members have often made it sound that the P2 completely supports their ambitions, which is not really the case. However, the P2 is willing to consider longer-term seats that could transition into permanent seats at a review.

What are some of the key arguments against new permanent seats and veto power?

If veto rights make the Council dysfunctional at times, why increase the number of permanent seats with such power? It might make the Council somewhat more inclusive, but would make decision-making even harder by adding more players who could stop action. And if we want more players who are representative of the contemporary political and geographical landscapes, we need to do that without giving them permanence, since what is now current will continue to evolve over the next 70 years and the United Nations must be able to adjust to new realities without evermore adding permanent seats.
civil society. Reportedly, some 60 Member States have expressed interest, as have some influential NGOs.

But how to define mass atrocities? Who would determine whether a situation involves mass atrocities? And could such a determination be done quickly? Would the P3 endorse such a restraint, especially when it could easily collide with national priorities? For instance, the US regularly uses its veto in situations involving Israel and Palestine. Russia and China don’t want to intervene in Syria. The chance of Ukraine getting UN peacekeepers is painfully slim because of Russia.

Restraining veto rights might make sense, but you will need a very large number of Member States besides global civil society to effectively push for it to overcome resistance from some of those who currently enjoy the veto, and some of those who hope to get it in the future.

Are G4 members willing to push for veto restraint?

To our knowledge, no aspirant country has embraced the French proposal. Discussions on it could slow down the negotiations on expansion. Moreover, it seems likely that the G4 is careful not to alienate some of the current permanent members so as not to undermine their bids for permanent seats.

Hasn’t the G4 been somewhat flexible about obtaining veto rights?

Although the G4 has the reputation for flexibility, its most recent position suggests otherwise. The G4 members are currently willing to agree to a solution where they, and two African countries, would get permanent seats with all the prerogatives and privileges attached, but they would agree not to use their veto power until a review that would take place 15 years later. Obviously, to remove those veto rights at a review will be nearly impossible, not unlike taking away the permanent status and veto power of some of the current permanent members, which everyone seems to agree will be impossible.

But isn’t a review in the GA a way to achieve partial reform now, and make additional decisions at a later time?

If a decision is difficult now, what would make it any easier to decide 15 years from now? Especially making decisions that are not easily reversible - the biggest problem of the notion of permanency - seems a non-starter.

But the majority of countries favor new permanent seats, right?

The G4 claims that it had 100 Member States (non-African) in favor of new permanent seats in 2005. If you add the 54 African countries - the G4 likes to assume that this is achievable - you have more than the necessary 2/3rd of Member States to change the UN Charter. But the G4 glosses over some inconvenient complexities. For example, the common African position demands veto rights for new permanent seats, while a large number of the G4’s 100 supporters from 2005 do not favor extending veto rights.

If the G4 could split up the African group, their chances would improve somewhat, but any efforts in this regard have failed for ten years now.

In 2011, the G4 tried to get written support for a resolution that would add permanent and non-permanent seats, without delving into the issue of veto. It only garnered 80 supporters. Apparently, some came from Africa, and some were conditional on agreement as to other elements of this reform effort.
How solid is the support for the G4 and Africa?

Compared to 2005, things have become even more complicated. The Arab Group wants a new permanent seat also. Small island developing states want a dedicated cross-regional non-permanent seat in return for their support for new permanent seats. In other words, to get the necessary majority, promises you need to make to one group may end up undermining your support from others. Why, for instance, would small developing states positioned on a continent favor special rights for small island developing states?

But if the African common position changes, wouldn’t the G4 have a real chance at obtaining a 2/3rd majority?

The current common African position - the Ezulwini Consensus - demands two new permanent seats with veto rights for Africa, to be chosen by the African Union (AU) rather than the UN membership as a whole. Nigeria and South Africa are willing to be somewhat flexible about veto rights, and they have at least 12 African supporters for their position.

Somewhat unrealistically, a number of African countries have a rather unique understanding of permanent seats. For those countries, new African permanent seats would not be occupied by countries in their national capacity, but by rotating countries accountable to the AU. However, the notion of rotating seats can probably only be squared with non-permanency, such as a new category of elected seats that could be of a longer duration.

Nigeria and South Africa, like the G4, have nominated themselves for new permanent seats, but there are a handful of other African aspirants in the wings that feel similarly entitled. Nigeria and South Africa have regularly pointed out that they would serve in their national capacity if they were to get permanent seats. Probably because they realize that the possibility of the AU pouring over every Council decision would be unacceptable to many Member States.

Changing the Ezulwini Consensus is expected to be difficult because it will be hard for African countries to agree on which countries should get new permanent seats. It should also be noted that common positions of large blocs are not only hard to achieve, they are typically even more difficult to revisit because of obvious tensions between the group and national interests.

What about the intermediary or transitional model?

The terminology used in these cases is quite confusing. Some see these models as a way to have a third category of seats in between the current permanent and non-permanent seats. Others see it as a model that could start with longer-term seats that could transition into permanent seats after a review. And some see it as a possibility to make changes now that could be reaffirmed or revoked at a review.

Why is there no group actively pushing for a new category of long-term seats?

The UfC does to some degree. But because of the intense lobbying for new permanent seats - which they oppose - they have been forced into a defensive position. Moreover, many countries - non UfC - will privately say that the time is simply not right for compromise. Presumably, the G4 as a group has to keep running into old and new obstacles before they will become more flexible.

A few years ago, the G4 - with the exception of India - appeared willing to consider longer-
term seats, provided they could be renewable, thereby obtaining ‘semi-permanent’ status. Currently, the UFAC wants a new category of seats to be re-electable only once without an interval. Creating a convergence between these last two positions may not be easy, but probably is more feasible than when you consider reconciling other options on the spectrum of expansion proposals.

**What are the key elements and some advantages of a new category of seats of a longer duration?**

It will take some time to work out the details. The longer-term seats (anywhere between 4-10 years) would be elected. Regions, depending on the number of permanent seats they currently possess, would get one or multiple longer-term seats. Ideally, those new seats would be elected by all Member States and chosen from multiple regional candidates. They could be re-elected if their presence on the Council would be sufficiently appreciated by the rest of the UN membership.

When paired with meaningful moderation of veto power, having an expanded Security Council with longer-term elected seats provides higher levels of accountability.

The current two-year non-permanent seats don’t allow a country to be an effective player for long. By the time a country’s delegation is up to speed, it needs to pack up. A new category of seats could make the Council more equitable from a regional perspective, without creating new permanent members that cannot be removed when their contributions to the Council are less than desirable from the perspective of most Member States.

**How feasible is the solution of a new category of longer-term seats?**

It is hard to predict whether enough Member States are willing to embrace compromise. The closer Member States get to agreement, the more Member States may wonder what’s in it for themselves, making a solution even harder.

According to neutral observers and many countries without a strong stake in the matter, prospects for reform of the Security Council have not appeared good for years. Maybe the new Chair of the negotiations, Ambassador E. Courtenay Rattray from Jamaica, can move the process along in a meaningful way. Our guess is that by the 75th Anniversary of the UN in 2020, compromise has either been reached, or the issue has finally been shelved.

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*All expressions of opinion in this article are solely those of the authors. The Center is governed by associated NGOs and rarely takes a common position on specific issues. The Center has produced publications and online updates on security council reform since 1994.*

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