Background information on the UNSC reform debate

Currently, the United Nations Security Council (UNSC) consists of 15 member states, of which 5 hold permanent seats and have a veto right with regard to all resolutions that the Security Council wishes to adopt. The current membership status of the Security Council was put in place in 1965, when the Security Council was enlarged from 11 to 15 members.

It is also relevant noting that the UNSC is the only body of the UN System whose decisions are mandatory to all member states.

Notwithstanding the obvious need for reform, the last 20 years have effectually not shown much progress in the debate on the reform of the UNSC. In 2005 World Summit, world leaders called for an early reform of the UN Security Council. During this period, the debate and negotiations have moved from the Working Group to the Intergovernmental Negotiations (ING) in 2009, a compilation/negotiations text was established in 2010, various draft resolutions circulated to create momentum, and interim measures have been suggested. An example of such interim measures is the French proposal to draft a voluntary code of conduct to limit the use of the veto have been proposed. Notwithstanding these steps, no real progress has been made in bringing the negotiations any nearer to a meaningful compromises.

The chair of the ING, the Afghan Ambassador Zahir Tanin, proposed in July 2012 to compile a concise working document to move the negotiations along. Many versions have been drafted since then. He finds support for this proposal with the G4, L69, CARICOM, and SIDS, but opposition to it with the C10/African Group, UfC and 3 permanent members.¹

In October 2013, the President of the GA, Ambassador John Ashe from Antigua and Barbuda, established an Advisory Group to provide a basis for negotiations. This group produced a non-paper, but one of the 6 members dissented and issued a memo explaining that position. The non-paper became nevertheless the start of the discussions in the ING’s first informal meeting on 12 December 2013, followed by a meeting on the 16th. Many proposals were made and positions presented. France, during this meeting, recalled its initiative that would have the P5 members voluntarily refrain from using their veto in cases of mass atrocities. According to France, this framework needs to be formulated by the P5 members themselves, mass crimes need to be defined, and a warning mechanism established.

In July 2014, a common understanding of the use of the Non-Paper as a basis for the discussion within the context of the Intergovernmental Negotiations was not yet reached. Yet 6 thematic meetings were held:

1. **On the topic of categories of membership.** Agreement on the need for enlargement.
   A. Possible variations for enlargement:
      a. Both permanent and non-permanent seats
      b. Non-permanent seats only
      c. New category of seats with various options related to term length and new focus on immediate re-election
         i. Longer term seats to regional groups with either terms of 3-5 years with possibility of re-election or 2 years with 2 immediate re-elections.
   B. Candidates for these seats:
      a. Extend number of permanent seats?
         i. For the G4
         ii. One or two for African countries? Which country/ies?
         iii. One for Arab Group?
         iv. Two for Asian States?

¹ Please see below what each acronym stands for.
v. One for Latin American and Caribbean States
b. Extend number of non-permanent seats?
   i. Long term or short term seats?
   ii. Two non-permanent seats for the African states
   iii. One non-permanent seat for Asian States
   iv. Cross regional non-permanent seat for small island states
   v. One for East European States
   vi. One for Latin America and Caribbean States

2. On the question of the veto
   A. Veto for all (including new) permanent members of the SC
   B. New permanent members without a veto
   C. Restriction of the veto power all together by
      a. Amendment to only allow veto if casted by two or more permanent members
      b. Amendment to allow permanent members to cast a non-concurring vote that is not considered to be a veto
      c. Regional veto option: this would block action if Council member from the region under discussion, acting on the basis of regional consensus, all voted against the action.
      d. Limiting use of veto to Chapter VII decisions
      e. Prohibiting the use of veto on Chapter VI related matters
      f. No use of veto in cases where action is aimed at preventing genocide, crimes against humanity or war crimes.

3. On the topic of regional representation
   A. Agreement on need for enhancement of regional representation
   B. Increasing role played by regional groups and regional organisations in international relations and matters of peace and security
   C. Distinction between 'equitable geographic distribution' of regional seats and enhanced 'regional representation'
   D. Cross regional representation to include factors such as size, development status or specifically the inclusion of Arab State and the Islamic Ummah.

4. On the topic of the size of an enlarged Council and working methods of the SC
   A. Exact size will depend on the model chosen
   B. Number between the mid to upper 20s
   C. Enlargement should not hamper efficiency of the Council
   D. Effects of Council enlargement on working methods, for instance with regard to the rotating presidency system which in an enlarged Council would not provide opportunity for each non-permanent member to hold that position in a 2-year term, and the provisions concerning decision making majorities
   E. Working methods in relation to the Council’s current composition

5. On the topic of the relationship between the SC and the GA
   A. Role for the GA if SC is deadlocked; Uniting for Peace-mechanism?
   B. Idea that Permanent members circulate an explanation to the GA on the rationale behind casting a non-concurring vote.

6. On the topic of cross-cutting issues

The year 2015 is the 70th anniversary of the United Nations and the 10th year following the collective mandate of the Leaders at the 2005 World Summit calling for an early reform of the UN Security Council. Will that year bring any progress to the debate?
Procedure of reform:

- \( \frac{2}{3} \) of the whole membership of the GA should vote in favour of a resolution with SC Reform proposal;
- \( \frac{2}{3} \) of the SC membership, including P5, should ratify the reform proposal.

Different positions

**G4/Group of 4:** Brazil, Germany, India and Japan. In favour of 6 new permanent seats and 4 new non-permanent seats. New member-States would be elected by the General Assembly for themselves as well as two such seats for Africa. The G4 new permanent members would be willing to forgo veto rights (for now) until a review conference, to be held 15 years later.

**L69:** A group of 43 developing countries (also including Brazil and India) in favour of new permanent seats, and in favour of adding veto rights to new permanent seats. Also in favour of dedicated non-permanent seat for small island states.

**C10/African Union:** 53 African countries. In favour of 2 permanent seats for Africa, including veto rights. 14 African countries are also part of the L69 group. Furthermore, South Africa and Nigeria concur with the G4 position. The C10 coordinates the African Union’s position and consists of Algeria, DRC, Equatorial Guinea, Kenya, Libya, Namibia, Senegal, Sierra Leone, Uganda, and Zambia.

**UFC (Uniting for Consensus, aia the Coffee Club):** 12 core members (Argentina, Canada, Colombia, Costa Rica, Italy, Malta, Mexico, Pakistan, Republic of Korea, San Marino, Spain and Turkey). Indonesia and China participate in meetings. Against new permanent seats. In favour of adding non-permanent seats and/or longer term and renewable seats.

**Arab Group:** In favour of new permanent seat for Arab States.

**ACT (Accountability, Coherence, and Transparency):** 22 countries actively working on reforming the working methods of the existing SC: Austria, Chile, Costa Rica, Estonia, Finland, Gabon, Hungary, Ireland, Jordan, Liechtenstein, New Zealand, Norway, Papua New Guinea, Peru, Portugal, Saudi Arabia, Slovenia, Sweden, Switzerland, Tanzania, and Uruguay. Not involved in the expansion debate.

**CARICOM (Caribbean Community):** group aligned with the L69’s position.

**Pacific SIDS (Small Island Developing States):** Aligned with L69. In favour of non-permanent seat for SIDS.

Key points in the position of Brazil:

- Increased participation of developing countries in the decision-making bodies of multilateral institutions, including the United Nations, to render them more consistent with the current geopolitical reality.
- Enlargement of the UN Security Council in the categories of permanent and non-permanent members to enhance its representativeness, legitimacy and effectiveness.
- In this context, Brazil has argued the need for a renewed Security Council, one that reflects the emergence of developing countries as global actors. Brazil’s view is that, in its current composition, the Council is unable to articulate a balanced and inclusive vision of world order that satisfactorily reflects the views of the developing countries.
• New permanent members with the same responsibilities and obligations as the current permanent members - however committed to abstaining from using the veto until a decision on the matter has been taken during a review, to be held 15 years after the coming into force of the reform.
• Structural changes as a necessary step to promote enhancements in the working methods of the Security Council, such as wrap-up session, open debates, more involvement of troop and police contributing countries.

Key point in the position of The Netherlands:

• A limited enlargement of the UNSC, resulting in a more inclusive representation, especially for Africa.
• More transparency and inclusiveness through reform of working methods (wrap-up session, open debates, more involvement of troop and police contributing countries)
• Closer cooperation with the international courts and tribunals
• Voluntary limitation of the veto in case of mass atrocities