



UN REFORM UPDATE

INFORMAL CONSULTATIONS ON SECURITY COUNCIL REFORM AT THE GENERAL ASSEMBLY CONTINUED from 20-23 FEBRUARY 2007

28 February 2007

REVISED MARCH 7, 2007

**This update is meant to be a summary of some of the main ideas discussed during the meetings and does not represent a complete and official account of all positions expressed by Member States.*

During the week of 20-23 February 2007, Member States resumed discussions on Security Council Reform under the guidance of the five facilitators [recently appointed by the President of the General Assembly](#).

SIZE OF AN ENLARGED COUNCIL

On Tuesday 20 February 2007, Member States debated what size would be most suitable for increasing the Security Council's membership.

Most Member States agree that a more effective, fair and representative Security Council (SC) should be composed of 24 to 26 members, an increase of about 10 members.

Several Member States mentioned that enlargement should reflect an acceptable percentage of the membership. When the Security Council was formed, it represented the 21.5% of the general membership. Following the first enlargement in 1965, the ratio stood at 13.5%. Today the Security Council represents less than 8% of the total membership.

As it would not be feasible to return to the original ratio, a considerable number of States indicated that a return to a ratio of 15% circa would be acceptable. The proposal of increasing the membership to 25 members would allow for such a ratio to be instituted (about 13%). In this respect, the [African proposal](#), the [Uniting for Consensus \(UfC\) proposal](#), the [G4 proposal](#) (with the exclusion of Japan) and the Secretary General proposals ([Model A or B](#)) are in line with this objective. [Overview of Security Council Reform Proposals](#)

As outlined by Pakistan, a proposal for 10 additional members would address the current geographical imbalance in the Council. Following the UfC model, three additional seats for both Africa and Asia, two for the Group of Latin America and Caribbean Countries (GRULAC), one for Eastern Europe, and one for Western Europe would provide Africa with six seats in total, constituting a 24% share of representation in the Council (it represents currently 27% of all UN Member States). Six seats for Asia would guarantee the region 24% share of SC membership (it represents 28% of the total UN

membership). GRULAC would represent 16% of the Council membership compared to its 17.2% of overall membership. Eastern Europe would represent 12% which would equate to its 12% share in the total membership. Finally, Western Europe would maintain the largest proportion of Security Council's seats, 24% compared to its 15% share in the overall membership. Costa Rica underlined that currently 1 out of 13 States has a seat in the Council, while a 25 member Council would ensure representation for one out of 8 States.

[Panama reiterated its proposal](#) for an increase to 21 members¹, Belarus noted that an increase to a number of members divisible by three (21 or 24) would allow the Council to maintain the 2/3 majority necessary to pass resolutions. Several Member States objected, however, stating that with an increase to only 21 members, Africa would fulfill its claim to fair representation at the expense of other Member States (Egypt).

Japan maintained its recent position (differing from the previously joint G4 position), that the Security Council should only increase by a limited number of members, as an increase of 10 members would infringe on the Council's effective decision making process. However, some Member States objected to this concept stating that there is no direct relationship between the size of the Council and its efficiency in decision making, as long as only the Permanent Five (P5) have the veto power (Pakistan). A smaller enlargement would not adequately address the issue of representation. Rather, the issue of effectiveness of the Council is more related to its working methods than to its size. As NATO and the EU have shown, enlargement can work effectively (Germany).

While many Member States concur that the goal of an enlarged Council should be fair geographical representation so that the Council will reflect the view of the membership as a whole (Liechtenstein and African Group, among others), others believe that geographical representation should only be one of the criteria for an enlarged Council and that contributions, both monetary and in terms of troops (Panama), should also play an important role in obtaining membership. Due consideration should further be given to how countries uphold the principles of the UN Charter, independent from their population, size or contributions. Such an approach would reflect the fact that the recent increase in UN membership is mainly constituted of smaller developing countries (Pakistan).

Argentina reiterated its call for a Security Council composed of 25 non-permanent members. Only a Council formed by non-permanent members would be truly democratic. This is the only reform which would enhance its legitimacy, and added that the issue of the size of the Council should be looked at in terms of population.

VETO POWER²

On Wednesday 21 February, Member States continued their discussions on the question of the use of the veto in the context of a reformed Security Council.

The facilitator, Ambassador Andreas D. Mavroyiannis of Cyprus, provided a [non-paper](#) with a series of guidelines for Member States for an effective discussion on the question of the veto.

As to reform on the use of veto power, Member States seem to be divided into two schools of thought. Some would rather pursue some kind of Security Council reform even without agreement on how to reform the use of the veto. On the other hand, other States believe that the question of enlargement of

the Council cannot be separated from the question of the use of veto. Suggestions included limiting the use of the veto to Chapter VII of the Charter (e.g. Vietnam), or to restrict the use of the veto in cases of jus cogens violations (e.g. Uganda). However, Pakistan doubted the feasibility of limiting the use of veto, also noting that there are grey areas in what Member States consider to be violations of jus cogens norms.

In order to attempt to limit the abuse of veto power, proposals were advanced that the use of veto be scrutinized by the General Assembly through a system of review (Germany, Pakistan). Pakistan further suggested that a new practice would entail that if the GA determines that the veto was used unjustly, Member States could refer it to the International Court of Justice (ICJ) for an advisory opinion. In order to balance out the power of the P5, it was also suggested that Member States may agree on increasing the number of votes necessary to pass a resolution in the Security Council. In the current framework, 9 votes are necessary to pass a resolution while in a Council of 25 members, 15 votes would be necessary. Instead the threshold to pass a resolution could be raised to 16-17; this would give power to any group of 8-9 Security Council members to block any decision, thus giving increased leverage to developing countries to block decisions in the collective interest of the membership. Member States could also decide that the resolutions pertaining to a particular region would require approval from Members of that region currently sitting on the Council (Pakistan).

REGIONAL REPRESENTATION

Some Member States suggested that regional organizations decide which States should be on the Council (e.g. Italy, Spain among others). However, several delegates expressed doubts that all regional organizations would be able to reach agreement on what countries should sit in the Council. Probably, the best way to establish which country should be elected to the Council would be for regional organizations to present candidate countries to the General Assembly and let the Assembly decide (Argentina, Algeria).

Italy underlined that, in order to follow an innovative path, a regional approach is needed and should be developed. The time is not yet ripe, but Member States should consider deciding on something which will not prevent this approach from developing in the future. Countries would still be elected in their capacity as States, not as regional representatives, and would represent the whole membership; if countries were to represent their regions, a system of accountability for regional organizations would have to be developed.

In addressing better regional representation in the Security Council, it was also pointed out that there is a lack of clarity in the current debate. Member States should first establish whether States, once elected to the SC, would represent themselves or a regional group, as currently there is no system which defines that. Member States could look at the way the African Group approaches the selection of countries to be elected in the Council and whether this could be applicable to other regional groups (Egypt).

As in the discussions on enlargement, several Member States underlined that regional representation should not be the only criteria for membership in an enlarged Council and stressed that States do not sit on the Council to represent their regions but to maintain collective international peace and security, and that contributions in money or troops should also be important factors to determine participation in the Council (Panama, and Japan among others).

Brazil reiterated its view that the current distortion in the Council should be addressed by reform including the representation of all regions of the world on the Council, both at the permanent and non-permanent level. Cuba noted that the principle of geographical representation is applied everywhere but in the Security Council and this should be changed.

It was also mentioned by several Member States that not only regional representation should be discussed, but also cultural and religious representation, considering for example that there is no system of representation of the Islamic world (Egypt, Pakistan among others)

Pakistan recalled the position already expressed by the Non Aligned Movement (NAM) on Security Council Reform that, if agreement cannot be reached, Member States should at least consider agreeing on an enlargement of non-permanent members, as this would be easier to implement and would immediately guarantee better representation of the membership in the Council. Malaysia also expressed support for the incremental approach.

DOCUMENT:

- [Statement of Liechtenstein on Regional Representation](#)

CATEGORIES OF MEMBERSHIP

On Thursday 22 February, during the debate on categories of membership in an enlarged Security Council, it was pointed out that, in the UN Charter, only the category of “non-permanent members” is mentioned, permanent members are simply mentioned by name.³ Also, criteria are established for the election of non-permanent members but not for the election of permanent members. Any increase in the permanent membership of the Council would reduce the possibility of representation of other Member States. With new permanent members in the Council, the sovereign equality of States would be even less feasible (Pakistan). Both Italy and Pakistan stressed the fact that the permanency demanded by Africa is of a different nature from the permanency requested by the G4. The G4 countries ask for a seat for themselves while the African model calls for permanent seats for the whole of Africa. UfC declared it would be prepared to work on any proposal concerning non-permanent membership, with rotation and re-election as the best solution for enhancing geographical representation.

While a large number of States share Pakistan’s perception that creating a third category of “permanent non-permanent members” (permanent members without a veto) would only enlarge the current oligarchy without changing the current imbalance of power that derives from the veto, many of those supporting expansion both in the non-permanent and permanent membership believe that either the veto should be eliminated completely or new permanent members should be granted the same privilege. (Cuba, Namibia, among others). Egypt, amongst others, confirmed its support for the African proposal, stating that new permanent members without veto power would not bring sufficient change in the dynamics of the Security Council, one of the main objectives of reform.

Singapore underlined that renewable seats would represent a threat to smaller countries and suggested a longer time period (e.g. 6 years) during which countries should be barred from being SC candidates to increase the chances of smaller countries, bearing in mind that 77 Member States have never been

members of the Council. On the other hand, Malaysia asked that the ban on immediate re-election be lifted.

Germany reiterated its position for an enlargement in both categories and noted that non-permanent members are more like “tourists,” while permanent members would be seen as peers by the other permanent members.

Some Member States noted that a great number of issues discussed in the Security Council are directly related to Africa and yet there is no African permanent member in the Council (e.g. Cuba among others).

Japan reiterated its position noting that the mandate of the permanent members as per the UN charter is that of ensuring collective security. An expansion of only non-permanent members would not fulfill the objective of this mandate. It also underlined that in the early years of the SC, the P5 paid 70% of the overall contributions to the organization. Now, their contributions have been much reduced and their influence no longer reflects their contributions. Members who contribute significantly must be included on a permanent basis.

One of the elements which emerged from the debate has been the gradual erosion of support for the proposal of increasing the number of permanent members in the Council. Proposals were advanced instead for the creation of long term non-permanent seats.

WORKING METHODS

With regards to improving the working methods of the Security Council, Member States insisted on enhancing the cooperation between the SC and the GA so as to ensure that the positions of all members are properly reflected in the work of the Council (Morocco). A large number of smaller States need a reliable mechanism for interaction with the Security Council, such as fair and clear procedures for listing and delisting of sanctions (Switzerland). In order to foster transparency, the GA should be informed of when the veto is used, when a mandate is modified or a peacekeeping operation comes to an end (Costa Rica). Member States also called for institutionalized collaboration between the GA, ECOSOC and the SC (Cuba, Brazil).

Some States noted that the Security Council should ensure that it limits itself to issues related to maintaining international peace and security and does not, for example, undertake international law issues (Costa Rica, Pakistan). It was also lamented that the current atmosphere of competition between the SC and the GA is unnecessary and that Member States should ensure that the Security Council is not weakened in favor of a strengthened GA (Liechtenstein). Pakistan suggested that the work of the SC be subject to the judicial review of the ICJ and international law.

Iraq called for better collaboration of the SC with regional organizations which actively support its mandate in maintaining peace and security.

A great number of States asked for increased interaction between the GA and the Security Council in monitoring peacekeeping operations (India); for the possibility for the GA to make recommendations (Panama); and for States affected by sanctions (Argentina), with a direct interest in the resolutions, or contributing troops, to be included in the meetings (New Zealand, Indonesia). It was also mentioned that the Council meets too often in closed meetings and this practice should be changed (Guinea-

Bissau), and suggested that there should be open consultations in cases of amendment of mandates (Uruguay).

Several Member States reiterated their support for the [S5 proposal](#) (Germany, Japan, Spain, and Panama among others).

Panama recalled the measures suggested in their previous proposal:

- Formalize the practice of subsidiary organs only being presided over by non-permanent members of the SC.
- The number of subsidiary organs' members should be limited to 11: two members for each group plus the presiding member
- Only non-permanent members should take presidency of the SC.

For a background of the current discussions see:

- [Update on the resumption of the discussions on Security Council Reform at the General Assembly](#), 9 February 2007

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The Center does not endorse any particular reform proposal. All expressions of opinion contained in its publications are the sole responsibility of the author(s).