Forum: GA3- Special Conference

Issue: Question of reforms to the membership of the United Nations Security Council and the Veto

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Introduction

"In line with international law, only the U.N. Security Council could sanction the use of force against a sovereign state. Any other pretext or method, which might be used to justify the use of force against an independent sovereign state, are inadmissible and can only be interpreted as an aggression."

-Vladimir Putin (04 Sep 2013)

About six months later, the same man “illegally”, as deemed by the United Nations General Assembly (UNGA), seized Crimea. Yet no action was taken against Russia, as UNGA resolutions are not legally binding on member states. It is for incidents like these that the United Nations Security Council (UNSC) was formed.

The UNSC, one of the six main organs of the UN, is charged primarily with the maintenance of international peace and security. It attends to peacekeeping, imposes sanction, and authorizes military action. It is also the only UN body to issue binding resolutions on member states.

It consists of 15 members, 5 permanent (P5), which include China, USA, UK, France, Russia, and 10 non-permanent members who are elected for a period of 2 years. This membership was decided upon when the UN had 50 members, and the council represented 22% of the members (UNSC originally had only 6 non-permanent members). Currently the UN membership has reached 193 nations where as the UNSC represents less than 8% of these nations. More than 60 United Nations Member States have never been Members of the SC. All of this has led to the growing belief held by the world, that the UNSC does not represent the interests of the world at large. Some, such as the former General Assembly chief Joseph Deiss, have gone as far as to say that if the UNSC doesn’t undergo reforms, the UN will lose its credibility as the pre-eminent international forum.

The UNSC’s permanent members also enjoy the right to veto. This essentially gives the P5 nations the power to reject any proposal in contradiction to their beliefs and to prevent any single strong nation from dominating the world forum. This very power was invoked by Russia in the UNSC to stop the passage of a draft condemning the Crimean annexation. The Veto power was given to the victors of the war, who represented the strongest nations at the time (1945). Now, 69 years later, the geopolitical realities have changed drastically. UK & France are not the dominating powers they used to be, and many countries that
were earlier under rule, have now gained independence and have undergone steep development. These nations have raised demands for permanent representation.

Many countries also express their concerns at the imbalance in representation, with Western Europe and Other Group and the Eastern Europe Group, enjoying 7 seats, whereas Africa and Asia-Pacific region collectively reaching only 6 seats. Even the Latin American countries get only 2 seats. With the majority of the population being underrepresented, the demand for change has never been more. While there is general agreement that the Security Council needs to be reformed, there is extensive disagreement on how, making the issue both extremely divisive and contentious. In order for any change in the membership of the UNSC or the veto, an amendment to the UN charter is required, which itself requires a 2/3rd majority. In order for the UNSC to truly represent the new world, and address its various problems with the collective voice of all the regions, or in other words to achieve this, new world order, a consensus is the need of the hour.

**Definition of Key Terms**

**Veto**

A special voting power known as the "right to veto", which allows any one of the five permanent members to cast a negative vote in the 15-member Security Council, blocking the passage of a resolution or a decision.¹

**The UN Charter**

The multilateral treaty that established the United Nations and serves as its constitution.²

Any change in the membership of the Security Council requires amendment to the UN Charter.

**Supermajority**

It is a requirement for the passage of amendments to the UN Charter entailing the vote of two thirds of the members of the General Assembly and ratification in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.³


Background Information

Overview of the UNSC

The size of the UNSC has stagnated over the years. This in itself should not have been a cause of grievance had the body been working effectively. However, the case of Crimea is just one of the many cases where the UNSC has been unsuccessful in taking decisive action. The Rwandan genocide is also among these cases, as admitted by the UN, where the UNSC deployed troops only to arrive too late. Syria and Darfur are also part of this long list. While the SC has successfully tackled some situations, as the primary body charged with international peacekeeping, its inability to respond to global crises due to lack of reforms in its structure and functioning has led to the want of reforms.

The History of Veto

The Veto power has been used quite frequently ever since its introduction. Till date the Cold war period has seen the most vetoes, bringing the UNSC to a complete standstill. Although, the peace continued to be disrupted and human rights continued to be violated during that time, the SC was virtually powerless. Between 1946 and 1990, the UNSC adopted only 22 resolutions under Chapter VII.

The introduction of veto was seen as implementation of the principle of the great power of unanimity. However it was used most frequently to protect the interest of the nations and its allies. Several countries have opposed the use of veto and have called it undemocratic while others have stressed it as pivotal to the survival of the UN.
For all the use of veto, it has never been explicitly mentioned in the UN charter. Chapter V, Article 27, Clause 3 says, “Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members”. The concurring votes implied the power of veto, however it has not been defined, nor has its scope or limits. This has led to a widespread use of the veto in the past and currently the threat to veto on all matters notwithstanding the seriousness of the situation.

**UN Progression**

After the singular amendment to the size of the UNSC in 1965, reform discussions were sparked in 1992 with the election of Boutros Boutros-Ghali as Secretary-General. Since then there has numerous discussions without consequence. An open ended working group was established (A/RES/48/26) with the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council. Eventually, every nation came forward with its own proposals and the conflict started. Over the years, the working methods of the UNSC itself were easily amended as they didn’t require the supermajority to pass, but the equitable representation was not easily attained. Intergovernmental negotiations were led by the Afghan Ambassador Zahir Tanin where the various groups addressed the different issues. However after ten sessions, this too hasn’t resulted in the reform. While the UN has remained active on discussions, the target of reform has not been met.

**Major Countries and Organizations Involved**

**P5 (USA, Russia, UK, France, China)**

The different permanent members support a change in the SC however their opinion on the matter varies. While the USA believes in an overall reform to the UN, it has expressed its views to affirm to a criteria-based approach to select potential members. This criteria should include factors such as economic size, population, military capacity, commitment to democracy and human rights, financial contributions to the UN, contributions to UN peacekeeping, and record on counterterrorism and non-proliferation. The selection should be done while keeping geographic balance in the mind. UK and France are also open to the possibilities of reform, and have expressed their support for the G4 and African permanent representation. Russia is interested in maintaining the compact nature of the council, and has stated that it would prefer a council in the low 20’s. This would make the Council more efficient. Besides this, Russia

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has not expressed explicit support and is in accordance with the reach of consensus. China supports reasonable and necessary reform to the SC and has advocated a step-by-step approach. It objects to forcing an immature draft resolution into action.

**G4**

The group of four or the G4 consist Brazil, Japan, India and Germany, four countries that support each other’s bids for permanent representation. Their economic and political influence has grown tremendously over the years and had led to their demand. In order to gain support, the G4 have endorsed support for the permanent African representation and have led a joint demand. The problem that arises is the differentiated support for the members of the G4. Currently India is the only country to receive support from all P5 nations (China’s support is conditional to India revoking its support for Japanese candidacy).

**Ezulwini consensus**

The African Union (AU) in 2005 adopted the ‘common position on the proposed reform of the United Nation which is commonly known as ‘the Ezulwini Consensus’. The calls for UNSC reform and inclusion of Africa with two permanent seats came at the realisation that more than three quarters of UNSC’s engagements are on African affairs. However, the 54-nation continent has a representation of only three non-permanent members without veto power in the UNSC. The call for African inclusion in the UNSC was amplified through the Ezulwini Consensus of the AU, which demands two non-permanent seats and two permanent seats with veto for the African continent. Although the consensus dictates the AU will be responsible for choosing the two permanent members, it is silent with regards to which African state should occupy the two permanent seats. This has led to the hegemonic contest for UNSC seats between the dominant nations such as South Africa and Nigeria. However, instead of enforcing the continental agenda, the two nations have always been pulling in different directions and this has threatened the weak common position of Africa. Most nations are of the opinion that the consensus won’t last because of the lack of concrete support. The Declaration of the demand for the permanent members was passed by only 36 of the 53 African countries, which demonstrated the ambivalence of their resolve.

**Uniting for Consensus**

Uniting for Consensus (UfC), nicknamed the “coffee club” was developed in 1990s in opposition to the expansion of the UNSC. Currently it aims to counter the G4’s bid and calls for a consensus before any change is made. Its main members include regional rivals of the G4, Italy and Spain (Opposing Germany), Pakistan (Opposing India), Mexico, Columbia and Argentina (Opposing Brazil) and South Korea (Opposing Japan). It has propagated the idea of semi-permanent seats or the expansion of the number of temporary seats. It has received China’s support along with 50 other countries in Asia, Africa and Latin America.
**Middle Eastern Nations**

Between January 1946 and July 2010, the Security Council passed 1,782 resolutions not including resolutions relating to procedures and admission of new members. Of these, 842 resolutions (or 47%) relate to Muslim and Middle Eastern states. In other words, almost half of the binding Council resolutions passed since the creation of the United Nations have related to issues involving or directly focused on Muslim or Middle Eastern states. Whereas all this time the council has been dominated by the West and their allies with little representation of Middle Eastern states states. Although, unlike the Ezulwini Consensus, a direct demand has not been brought up, there are growing discussions on this matter and the feeling that the Middle East and Islamic nations are underrepresented is growing sharply. However even when given representation, these nations are dissatisfied because of the dominance of a select few. Last year, Saudi Arabia rejected the SC seat, accusing the UNSC’s “double standards” that “prevent it from carrying out its duties and assuming its responsibilities in keeping world peace.” The SC representation doesn’t have an explicit mention for an Arab seat, however it has been a common understanding since 1968 to have at least one seat between Asia and Africa.

**L69**

A/61/L69 was a draft resolution from the 61st Session calling for intergovernmental negotiations to start. (L stands for limited distribution, 69 is the number allocated by the UN’s conference services.) At the time, the resolution was also known as the “India resolution.” Although it was withdrawn, some delegates thought it was just enough to provoke negotiations, which it was.

The sponsors of the 2007 draft resolution were: Barbados, Benin, Bhutan, Brazil, Burundi, Cape Verde, Fiji, Grenada, Guyana, Haiti, India, Jamaica, Liberia, Mauritius, Nauru, Nigeria, Palau, Papua New Guinea, Rwanda, Saint Vincent and the Grenadines, Seychelles, Solomon Islands, South Africa, Tuvalu, and Vanuatu.2008 onwards, the L69 Group slowly became more active as a coalition from the South, with India and St. Vincent and the Grenadines acting as its focal points. Currently it has support from over 40 countries and is major bloc.

The L69 group proposes 6 additional permanent seats, consisting of 2 seats for Africa and 4 for G4. L69 differs substantially from the G4 proposal by pushing the position that all permanent members should have veto powers. In the non-permanent member category, the L69 also proposes four additional seats, with one of these seats reserved for a small developing state.
Timeline of Events

<table>
<thead>
<tr>
<th>Date</th>
<th>Description of event</th>
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<tbody>
<tr>
<td>October 24, 1945</td>
<td>Establishment of UN</td>
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<tr>
<td>August 31, 1965</td>
<td>UNSC reforms, by means of the amendments to the UN charter, come into effect</td>
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<td>1991</td>
<td>Cold War ends</td>
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<td>January 1994</td>
<td>OEWG began its deliberations</td>
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<td>September 22, 2004</td>
<td>G4 group launches a joint effort for permanent seats</td>
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<tr>
<td>March 8, 2005</td>
<td>AU adopts the Ezulwini Consensus</td>
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<tr>
<td>March 21, 2005</td>
<td>Kofi Anna presents comprehensive agenda for reforming the UN</td>
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<tr>
<td>March 4, 2009</td>
<td>First round of intergovernmental negotiations begin</td>
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<tr>
<td>March 13, 2014</td>
<td>Tenth round of intergovernmental negotiations take place.</td>
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Relevant UN Treaties and Events

The UN charter has been amended only 5 times since the creation of the UN in 1945. Of these 5 times, only once in 1963 was it amended by the GA (A/RES/1991-XVIII) to facilitate 10 instead of 6 non-permanent members in the SC. The SC related amendment came into effect in 1965 after ratification by the five permanent nations (which is one of the prerequisites of any amendment coming into force). Also the minimum number of nations’ approval required to execute a decision was increased from 7 to 9. This number included the P5 nations.


Previous Attempts to solve the Issue

The Secretary General (SG), Kofi Annan (1997-2006), had ambitions for a more comprehensive UN reform rather than just the SC reform. He appointed a panel of 16 “eminent persons” to study current threats to international peace and security. It was named The “High Level Panel (HLP) on Threats, Challenges and Change”; The HLP prepared a Report dealing with not only the reform of the SC but also with the involvement all-important UN Chapters. As for the UNSC reform, the HLP did not reach an agreement and was obliged to indicate two ways to expand SC membership. The two proposals agreed that the total number of SC members should be 24. On one hand, Model A envisaged 6 new permanent seats with no power of veto and three more two-year non-renewable seats. Model B, on the other hand, called for no new permanent seats, but rather a new category of 8 four-year renewable seats and one new
two-year non-permanent and non-renewable seat. It was also proposed that the situation should be reviewed in 2020.

The HLP report was followed by the SG Report “In Larger Freedom – Towards Development, Security and Human Rights for All”. The SG proposed that the UN should be structured around the work of three councils: the Security Council, ECOSOC and the newly created Human Rights Council. Regarding the composition of the UNSC, the SG endorsed the HLP’s two models, which were composed as set out in the following box:

![Security Council reform: models A and B](image)

The 2005 GA summit, at Heads of States and Government level, did not take a stance on the UNSC reform. The three paragraphs dedicated to the subject (152-154, A/RES/60/1) express support for an early reform of the UNSC, which would make it “more broadly representative, efficient and transparent”, thus enhancing its effectiveness and legitimacy. And thus the most significant step taken towards the reform had run aground and since then various discussions have floundered over time.
Possible Solutions

At the foremost, the issue of size needs to be addressed. While greater representation is required, it should not come at the cost of the efficiency of the body. An ideal size could be in the twenties, as it would entail about 10 to 15% of the member nations, while not compromising the compact nature of the council. Another issue of paramount importance is that of geographic representation. It would be judicious to increase the representation of African countries, especially given the fact that majority of the LEDCs are in the African continent. This coupled with the growing unrest in the area makes it imperative that the council have greater representation of African nations when discussing matters pertaining to them. The same goes for Latin American Countries, who are also developing and should be able to voice their opinions on a global platform. The question of increased Islamic nation representation might spark the discussion of religious discrimination. However, keeping in mind the precarious situation of the Middle East, it would be advisable to include additional Middle Eastern representation. When considering Veto, it must be kept in mind that although it is misused, it serves a pivotal role in that it keeps a check on the powers of the other countries. The veto and the extent of its use could be defined and limitations could be imposed, by defining it explicitly in the UN charter. Ideally, a clause could be included to restrict the use of veto in cases of genocide, major violations of Human Rights and other severe mass atrocities. Finally to decide between addition of permanent members and non-permanent members or just non-permanent members, is a predicament that requires a consensus. Nonetheless, the concept of non-permanent members for a longer duration of time can be revolutionary as, a long lasting crisis in a nation would require for that particular nation to continue giving its vital insights to the council. However, implementation of the aforementioned concept would also require nations to reach a common ground. Hence the biggest challenge remains the attainment of consensus.
Bibliography


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Appendices

I. Chapter V of UN Charter that needs to be amended: 

II. UNSC Reform useful information: https://www.globalpolicy.org/security-council/security-council-reform.html


V. Intergovernmental negotiations: http://www.centerforunreform.org/