

John Langmore and Ramesh Thakur, “The Elected but Neglected Security Council Members,” *The Washington Quarterly* 39:2 (Summer 2016), pp. 99–114.

Many of the pressing policy challenges confronting the world’s countries and peoples—climate change, pandemics, food and water scarcity, terrorism, financial meltdown—are international in origin and nature, global in scope and effects, and require concerted multilateral action led by the major powers. However, the responsibility for making policy and the authority to mobilize the requisite coercive resources to tackle the threats remain vested in sovereign states. Absent a world government, the order, stability, and predictability in international transactions comes from global governance operating as a patchwork of authority structures which produce generally adhered-to norms to regulate behavior, and layers of mechanisms to punish noncompliance.<sup>1</sup> The architecture of global governance consists of international and regional intergovernmental organizations; a ‘soft’ layer of informal general-purpose groupings of states—such as the old G7, new G20, and the BRICS (Brazil, Russia, India, China, and South Africa) groupings; as well as transnational civil society and market actors that have exploded in numbers, role, and influence.

In this global governance architecture, the United Nations (UN) forms the inner core of the mandated multilateral machinery. It was established to provide a degree of predictability and order in a world in constant flux. The organization is at once the symbol of humanity’s collective aspirations for a better life in a safer world for all, a forum for negotiating the terms of converting these collective aspirations into a common program of action, and the principal international instrument for realizing aspirations and implementing plans to achieve their ends. The UN’s primary function is to maintain international peace and

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security, and the primary responsibility for that central function lies with the UN Security Council (UNSC).

The UN does many things well, and even its peacekeeping missions are generally more cost-effective than operations mounted by coalitions of the willing. Nevertheless, despite disagreements over the reasons for it, few would quarrel with the claim that the world organization has not fulfilled expectations and requirements. The extant UN-centered governance institutions—rigid, risk-averse, and cumbersome—are slow and often incapable of confronting threats and actors who are daring, imaginative, and agile. The shifting relationships of power and authority compound the solution-inhibiting lack of clarity on responsibilities and accountability.<sup>2</sup> Consequently, the normative assumptions of the post-1945 order—that growing interdependence, rising prosperity and universalizing political values would lessen violent conflict—are under challenge.<sup>3</sup> In 2012 Amnesty International, criticizing the determination of some members “to shield Syria at any cost” despite “a clear and compelling case for the situation” there “to be referred to the International Criminal Court for investigation of crimes against humanity,” argued that the UNSC was “tired, out of step and increasingly unfit for purpose.”<sup>4</sup>

Nevertheless, the UN will remain relevant for setting international standards and norms to regulate interstate behavior. Norms, laws, and treaties for governing many transnational issues and the global commons—from global warming, nuclear proliferation, terrorism and trade to Internet governance, ecosystem resources, freedom of the seas and demilitarization of outer space—will either be negotiated in UN forums or ratified by the UN-centered intergovernmental machinery. Its humanitarian service delivery functions are widely appreciated. Its peace operations offer the best crossover between cost efficiency and effectiveness. There is no foreseeable substitute for the institutional and political legitimacy

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of the international organization. Multilateralism remains important to U.S. foreign policy, and within it, the United States remains the pivot of multilateral action in maintaining international peace and security.

Because the UNSC is the geopolitical cockpit of the UN system, most of the attention on UN reforms has focused on the growing misalignment of the UNSC's five permanent members (P5) and their interests. Policymakers and analysts have also looked at reforming the UNSC's working methods. Yet, the UNSC includes ten elected members (E10), and the potential utility and role of these in revitalizing the UNSC as an effective executive body has been sadly neglected. As part of the historical process of the democratization of policymaking, as also for strengthening its effectiveness, a potentially fruitful area of UNSC reforms might be to identify improvements in the numbers, terms, selection process, and roles of the E10.

That is the focus of this article. On the one hand, there seems no realistic prospect of structural reform of the existing UNSC permanent membership in the foreseeable future. On the other hand, the UNSC has no realistic substitute as a universally validated body that can speak and act in the name of the whole international community—including the legal authority to use force and wage war. Caught between these two realities, reconsidering E10 reforms could improve the Council's representational and performance legitimacy.

Of course, there is an aura of futility around *any* UNSC reform proposal. However, the General Assembly (GA) decision of September 14, 2015 (discussed below) creates the opportunity for discussions about UNSC reform to commence in 2016. We begin by highlighting the deficiencies and problems of the UNSC, and briefly review the past history of attempted relevant UNSC reforms. In the third and main part of the article, we examine the arguments and possibilities for improving the performance of the UNSC by reforming the

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criteria for choosing the E10, extending their term from two to three years, and enlarging their numbers from ten to eighteen.

### **UNSC Pathology**

The most critical issue of UN structural reform is that of the Security Council. It needs greater credibility, legitimacy, representation, effectiveness, and enhanced capacity and willingness to act in defense of the common peace. The P5—Britain, France, China, Russia, and the United States—have certain characteristics in common: they were victors in World War II and all possess nuclear weapons; they created the UN and gave themselves exalted positions at the time; Washington, anticipating a Nationalist triumph against the communists, ensured China's seat at the high table as a means of having an important ally in the Pacific, and the Cold War ossified this arrangement. With the Cold War now over and the UN espousing democratic principles, the UN needs updating to reflect changes. A static membership of the Council undermines the logic of its status, erodes the legitimacy of the Council, diminishes the authority of the organization, and breeds resentment amongst others.

The legitimacy of the Council as the authoritative validator of international security action has been subject to a steady erosion owing to a quadruple legitimacy deficit: performance, representation, procedure, and accountability. Its performance legitimacy suffers from a selective record of interventions and uneven results.<sup>5</sup> It is unrepresentative from almost any point of view (quadrupling of GA membership since 1945, diversity and range of membership, population weight, economic size and financial contributions, geopolitical clout, contributions to UN peacekeeping, continental distribution, etc.). Its procedural legitimacy is suspect because of a lack of democratization and transparency in decision-making. And it is not answerable or accountable to anyone 'below' it (e.g. the GA)

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or ‘above’ it (the International Court of Justice or World Court, the principal judicial organ of the UN system for deciding cases submitted to it by states in accordance with international law).

Western countries often fret over the ineffectual performance legitimacy of the Council. Their desire to resist the Council’s role as the sole validator of the international use of force is the product of this dissatisfaction with its perceived sorry record. But the moral authority of collective judgments does depend in part on the moral quality of the *process* of making those judgments.<sup>6</sup> The collective nature of the decision-making process of the UNSC is suspect because of the skewed distribution of political power and resources among its members.

### *Restructuring Permanent Membership: A Task for Sisyphus*

The P5 have been the dominant UNSC force for the last 70 years. This has been a key factor in maintaining a concert of interest among the most powerful nations.<sup>7</sup> Conflicts of interest between the P5 often paralyzed the Council during the Cold War and have also been the cause of various deadlocks in this century. However, the Council’s workload has transformed during the last quarter century. For example, the Council adopted an average of only 20 resolutions a year during the 1980s, while in 2014 alone it adopted 63 resolutions.

The last UNSC structural reform came in the mid-1960s when it grew from eleven to fifteen members, adding four elected members as part of the historical trend away from a solely great-power-concert system for managing world order. Attempts to expand and reform the UNSC began in earnest again in the early 1990s, with various proposals made to increase the number of permanent and elected members. These were led for a while by General

Assembly President Razali Ismail of Malaysia. In 2004 Kofi Annan’s High Level Panel on John Langmore ([langmore@unimelb.edu.au](mailto:langmore@unimelb.edu.au)) is a Professorial Fellow in the School of Social and Political Sciences at the University of Melbourne. He was previously an Australian Member of Parliament and a Director in the UN Secretariat. Ramesh Thakur ([ramesh.thakur@anu.edu.au](mailto:ramesh.thakur@anu.edu.au)) is Professor in the Crawford School of Public Policy, Australian National University, Editor-in-Chief of *Global Governance*, and a former United Nations Assistant Secretary-General.

Threats, Challenges, and Change suggested two possibilities for enlarging Council membership to 24, one by adding six permanent and three elected seats, the other by creating a new third membership category of eight four-year renewable terms and one extra two-year non-renewable seat.<sup>8</sup> In 2005, African states decided at a meeting in Ezulwini, South Africa, to bid for two permanent seats with a veto, which added to the hostility of the Bush administration and led to widespread opposition from the Uniting for Consensus group (Argentina, Canada, Colombia, Costa Rica, Italy, Malta, Mexico, Pakistan, San Marino, South Korea, Spain, and Turkey) to the G4 (Brazil, Germany, India, and Japan, who were campaigning for permanent membership). This killed the structural reform effort.

World leaders expressed their support for “early reform of the Security Council as an essential element of our overall effort to reform the United Nations, 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.”<sup>9</sup> They committed themselves to continue the efforts to achieve a decision. That is, after a decade of talks, they agreed to talk some more.

Political pressure for UNSC reform continues to grow. The motivation for structural change is clear. There is growing recognition that if the Council remains essentially unreformed and unreconstructed, it will continue to suffer from a steady erosion of legitimacy and authority, and gradually fade into irrelevance. The UNSC could easily find itself trapped in a vicious circle: deterioration of legitimacy increases the transaction costs of compliance with UNSC resolutions and diminishes the Council’s effectiveness, which further erodes performance legitimacy. Most states acknowledge that the Council is insufficiently representative and that the current structure of membership is undermining its legitimacy.

China is the only low- or middle-income permanent member, and Africa and Latin America  
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are unrepresented among permanent members. Kofi Annan's High Level Panel wrote in 2004 that a decision on Council enlargement "is now a necessity,"<sup>10</sup> but even those sixteen distinguished Panel members could not agree and instead, as already noted, proposed two alternative models. A decision is now even more urgent, but just as difficult. UNSC reform is held hostage to a curious oddity: while there is consensus on the need for reform, the agreement breaks down as soon as any one particular formula or package is proposed. Once countries see the details of a concrete proposal, losers and opponents always seem to outnumber winners and supporters.

There is surprisingly broad agreement already on the leading candidates for new permanent members: Germany, Japan, India, and Brazil, and two of Egypt, Nigeria, or South Africa. Opposition comes from three groups: those with a vested interest in the status quo, especially the P5; the regional rivals of each of the leading candidate countries who came together in the Uniting for Consensus group (see above); and a large group such as Ethiopia, Indonesia and Poland which would see their status diminished still further with the growth of permanent members from five to eleven. There are also strong conceptual reasons for skepticism about increased permanence. Growth in the number of permanent members would add autocratic weight to the Council, and entrench even further its tendency to unaccountability. More permanent members with a veto would certainly add to difficulties in decision-making and taking timely action, leading to even more issues becoming deadlocked.

The three Western members of the P5 (Britain, France, and the United States) have pushed democratization in the world, and yet they show themselves to be resistant in bringing democracy and transparency to the workings of the Council itself. Only very recently have certain operational shortcomings been remedied, for example through such steps as briefings by the Council president; meetings between the members, troop-contributing countries, and John Langmore ([langmore@unimelb.edu.au](mailto:langmore@unimelb.edu.au)) is a Professorial Fellow in the School of Social and Political Sciences at the University of Melbourne. He was previously an Australian Member of Parliament and a Director in the UN Secretariat. Ramesh Thakur ([ramesh.thakur@anu.edu.au](mailto:ramesh.thakur@anu.edu.au)) is Professor in the Crawford School of Public Policy, Australian National University, Editor-in-Chief of *Global Governance*, and a former United Nations Assistant Secretary-General.

the Secretariat on peacekeeping operations; daily publication of the Council's agenda, including informal consultations; monthly circulation of the forecast of work of the Council; and holding open sessions at the request of any country, even a non-UNSC member. These advances need to be entrenched in formally adopted rules of procedure.

### *The General Assembly Steps In*

Discussion of the issues around UNSC reform restarted in 2009, chaired by Ambassador Zahir Tanin of Afghanistan in the Open-ended Working Group of the Intergovernmental Negotiations (IGN) in which all member states can join. Ten rounds of negotiations were held in the following five years, all failing to produce a text. In 2013, the debate following the tabling of the UNSC's Annual Report of its activities to the GA was used again as an opportunity for complaint. Among the major topics of the 50 or so national speakers were the need for a more representative membership, categories of membership, more equitable regional representation, and the size of an enlarged Council.<sup>11</sup> All the P5 spoke in favor of expanding the membership, the United States favoring "modest" expansion. China said that priority should be given to representation of developing countries, particularly from Africa. Russia favored a compact body of no more than 20 members.

The annually-elected GA President in 2014–15, Sam Kutesa from Uganda, appointed Jamaica's Ambassador Courtenay Rattray to lead General Assembly discussions on Security Council reform. After lengthy consultations Rattray produced a one page "framework" document of "talking points" in March 2015. GA President Kutesa sent this to Member States to "populate" by expressing opinions about the issues and these were collated. Kutesa circulated a letter accompanying the collated text on 31 July 2015, saying that it was "the outcome of a consultative, inclusive and transparent process ... a product of Member States

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submissions and discussions in the IGN during the 69<sup>th</sup> session.”<sup>12</sup> The resulting text vividly illustrates the great diversity of views. In August, Kutesa announced that a plenary meeting of the GA would be convened on September 14, 2015, to make “a draft decision” on UNSC reform.

The text of the draft decision, adopted without a vote on September 14, reaffirmed the GA’s central role in UNSC reform, and proposed putting the issues on the agenda of the 70th session of the GA (2015–16) while continuing with the intergovernmental negotiations “with a view to an early comprehensive reform of the Security Council.”<sup>13</sup> Many delegates celebrated this decision as path-breaking because it was based on a text, but others described it as a technical rollover to the next GA session. In October 2015, the new GA President Mogens Lykketoft from Denmark appointed Ambassador Sylvie Lucas of Luxembourg as chair of the negotiations. The first of a series of scheduled meetings was held on February 3, 2016. Its main purpose was to address the relationship between the Council and the GA, with considerable support from speakers for more cooperation and consultation between the presidents of the Council and GA, for holding still more open Council meetings and Arria formula meetings (unofficial meetings of Security Council members held outside the Council chamber, which are addressed by experts, and which were initiated by Venezuela in 1992 and take their name from its then-ambassador to the UN, Diego Arri), and for reporting by the Council to the GA.<sup>14</sup>

On February 22, the Assembly addressed the issue of increasing the size of the Council and its working methods; on March 9, the veto; and on May 2 categories of membership and regional representation. After the February 22 meeting, Lucas wrote to Lykketoft that she was “encouraged” by the “substantive contributions” made by member

states and by the “main areas of convergence” in their positions “on the key issue of the size

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of an enlarged Security Council.”<sup>15</sup> Lucas reported to Lykketoft and on 17 May he circulated to Member States her letter and a paper she had written which reflects “the main elements of convergence that emerged from our discussions.” The paper discusses two key issues: the relationship between the Council and the General Assembly; and the size of an enlarged Council and working methods of the Council. The key conclusion is that:

An enlarged Council should consist of a total of members in the mid-20s, within an overall range of 21 – 27 seats, with the exact number to emerge from the discussions of Member States on the key issues of “categories of membership” and “regional representation,” and with the total size ensuring a balance between the representativeness and effectiveness of an enlarged Council.<sup>16</sup>

This and other “elements of convergence” are to be discussed at a further GA meeting on 1 June. Such a significant step forward is a substantial advance and a product of high quality chairing and effective participation by delegates.

In the search for the next Secretary-General, a series of unprecedented steps have already been taken to improve transparency of the process, providing opportunities for the GA and interested representatives of civil society to interact with the candidates through informal dialogues held in New York on April 12–14, 2016, with others scheduled for London on June 3, 2016. The vigor of the debates about both Council reform and the Secretary-Generalship show the Assembly asserting itself more actively—which is consistent with the repeated complaints about loss of Council legitimacy, and advocacy of greater transparency, accountability, representation, and effectiveness. All the key issues outlined in GA Resolution 62/557 of September 15, 2008,<sup>17</sup> (working methods of the Council, the veto,

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regional representation, and categories of membership) were discussed in follow-up meetings over the subsequent months, and the process will likely be taken forward by the next president of the GA during and after the annual session of the Assembly starting in September 2016.

### **The Elected Ten (E10)**

The Security Council gains much of its legitimacy from the election of ten of its members by a two-thirds majority of Member States. The E10 serve two year terms, five being elected each year. The UN Charter says in Article 23(1) that they are to be selected with due regard to their contributions “to the maintenance of international peace and security and to the other purposes of the Organization and also to equitable geographic distribution”. More attention is paid to the latter factor than the former. Though larger and more economically powerful countries tend to be elected more frequently than those which are smaller and poorer (Japan has been elected eleven times, Brazil ten times, Argentina nine times, and India seven times), the E10 are the basis of the Council’s limited representativeness.

In contrast to the seemingly futile quest for reforming the UNSC permanent membership, reforming the elected membership may be more defensible in principle and also less challenging to achieve. Increasing the number of elected members would mitigate the pathology of P5 dominance of Council affairs, and utilize the much broader range of skills and assets available from among the wider 193 country membership. For even though the UNSC remit has been both widened with a broadening conception of security and deepened with more intrusive engagement in previously sacrosanct domestic issues (public health

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policy for dealing with pandemics is a good example of the convergence of the two trends), the P5 continue to seek to maintain their control.

Post-Cold War consensus among the P5 began to crack over significant differences on the U.S. invasion of Iraq. More recently, these have been exacerbated by contestation over Syria, the rest of the Middle East, Ukraine, the Korean Peninsula, and the East and South China Seas. All this has undermined P5 unity and thus reduced its dominance. Russia's recent challenges to the post-Cold War international order constructed by the West will likely exacerbate this; Russia is no longer prepared "to submit to the norms and practices laid down, policed, and arbitrated by the West."<sup>18</sup> Increased divisions among the P5 are increasing opportunities for elected members to play a productive global role.

Since the early 1990s, the P5 have been meeting regularly, informally, and privately. The Western P3 (France, the United Kingdom and the United States) attempt to control most issues which concern them. One way of doing this is through the "penholder" system that emerged in 2010 as a way of streamlining the Council's resolution drafting process, with the country tasked with the responsibility for drafting the initial text being called the "penholder." In 2014, the P3 held the pen for 34 out of the 50 issues on the Council's agenda (issues of which it is "seized"). Russia held two, but China held none.<sup>19</sup> The other fourteen were held by seven of the elected members.<sup>20</sup> The penholder system has caused a deepening of the negotiation and consultation gap between the P5 and E10. The P3 usually agree upon a draft, then negotiate it with China and Russia, and only then, and often belatedly, circulate it to elected members. The E10 can still play an active role in drafting and revising resolutions, presidential statements, and media releases, but do not always do so. The system also has the cost that if a penholder chooses not to propose action, nothing may happen on that issue—shirking responsibility.

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The P5 assert that there is a lack of institutional memory among the E10.<sup>21</sup> However, this has been influentially addressed by the Security Council Report, which provides all members with detailed, accurate, prompt, and dispassionate analyses of every issue which is on, or might be brought to, the Council's agenda.<sup>22</sup> Their publications may well be used nearly as much by the P5 as the E10 because they are so conveniently available.

Increasing the proportion of elected members would not only strengthen the UNSC's representation, it would also increase the Council's democratic accountability. The question is whether elected members have the capacity to represent the interests of the other UN members as well as to add to the Council's equity, legitimacy, and effectiveness? The ratio of elected to permanent members has historically been 2:1; how might this change if the ratio was increased to 3:1 or more?

Some elected members have sought to use knowledge of their region or interest in a thematic subject to influence the Council's attention to one or two existing agenda items, and sometimes, when their turn comes to chair the Council, to introduce a new item. "The extraordinary growth in the thematic focus of the Security Council" since the end of the Cold War has been largely initiated by the E10, as noted by Colin Keating, former New Zealand ambassador and first executive director of the Security Council Report.<sup>23</sup> These cover a wide range of issues relevant to understanding the factors involved in causing and perpetuating conflict, in its management and resolution, and in peacebuilding. Examples include protection of civilians, especially women and children in armed conflict, trade in small arms, nuclear proliferation, and justice and the rule of law.

The number of the Council's subsidiary bodies dealing with peacekeeping operations, political missions, peacebuilding offices, and sanctions has also grown substantially since the turn of the century, and the chairs of these are normally elected members (though they are John Langmore ([langmore@unimelb.edu.au](mailto:langmore@unimelb.edu.au)) is a Professorial Fellow in the School of Social and Political Sciences at the University of Melbourne. He was previously an Australian Member of Parliament and a Director in the UN Secretariat. Ramesh Thakur ([ramesh.thakur@anu.edu.au](mailto:ramesh.thakur@anu.edu.au)) is Professor in the Crawford School of Public Policy, Australian National University, Editor-in-Chief of *Global Governance*, and a former United Nations Assistant Secretary-General.

mostly selected by the P3). In 2015, sixteen peacekeeping and eleven political missions and peacebuilding operations were underway. As subsidiary bodies oversee the implementation of Council decisions—the work on the ground—they are vital to the Council’s effectiveness. The subsidiary bodies work by consensus, which in effect gives E10 members a veto. All Council members may attend the subsidiary bodies which oversee sanctions regimes and thematic groups. Management of them by consensus means that a single vote in opposition to a resolution can prevent its adoption.

In the UNSC itself, non-permanent members can maximize their influence by cooperating with like-minded countries on particular issues. It is obviously important wherever possible to build cooperative working relationships with permanent members. Other strategies are to bring high-level representatives from capitals on issues of particular importance to that delegation, to schedule meetings on chosen situations or themes during their presidency, and to use some of the less formal meeting options to raise UNSC awareness and promote creative decision-making. Arria formula meetings are a significant example.

In recent years, Brazil and Germany have provided examples of how elected members can navigate the constraints caused by P5 pre-eminence including the power of veto, issue dominance, institutional memory, prioritization of intra-P5 consultations in advance of Council deliberations, etc. Brazil made considerable headway with a proposal it introduced in 2011 on “Responsibility while Protecting,” in response to the criticism of NATO for allegedly exceeding its Resolution 1973 mandate to protect civilians in Libya.<sup>24</sup> As penholder on Afghanistan, Germany orchestrated the division into two separate sanctions regimes applied to the Taliban and al-Qaeda, which previously had been lumped together despite their wide differences; and also used its presidencies during its 2011–12 term to promote debate

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about the security implications of climate change and to sponsor a resolution on children and armed conflict.<sup>25</sup>

Australia's recent experience as an elected member in 2013–14 is another relevant example. Gary Quinlan, the hard working and effectively networking Australian ambassador, said that “Australia came on to the Council convinced that elected members should contribute across the whole Council agenda.”<sup>26</sup> So Australian diplomats were active participants in the full range of the Council's deliberations on situation-specific and thematic issues in its crowded agenda. In Australia's two years, the Council maintained a hectic pace, adopting 110 resolutions and issuing 81 presidential and 224 media statements.<sup>27</sup>

Australia engaged actively in decision-making on Afghanistan, on humanitarian relief for Syria, on the shooting down of Malaysian Airlines Flight MH17 over Ukraine, on peacekeeping policy in Africa, and on the human rights situation in North Korea. In cooperation with Luxembourg and Jordan, Australia was successful in achieving agreement on three resolutions demanding access for humanitarian workers across conflict lines. In relation to MH17, swift action by Australia's Foreign Minister Julie Bishop and the diplomats succeeded in negotiating a resolution about access to the crash site and a comprehensive international investigation, despite reluctance of the United States and the United Kingdom to take the lead and of Russia to support it. In relation to human rights in North Korea, Australia used a procedural motion, which is not subject to a veto, to persuade ten Council members to support adding the issue to the Council's agenda. However, Syria's Assad regime remained largely obstructive, and Australia's diplomatic effort on that issue was undermined by the newly-elected Australian conservative government's announcements of substantial aid cuts (about a third of Australia's international aid was slashed), which prevented Australia contributing a fair share of relief.

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Australia was also active in promoting thematic issues when chairing the Council in September 2013 and November 2014. It initiated, carefully prepared for, and presided over meetings on five themes: small arms and light weapons; the role of police in peacekeeping; counterterrorism; strengthening sanctions implementation; and Ebola. The first Council resolutions ever on small arms and light weapons (S/RES/2117, September 26, 2013), and on police in peacekeeping (S/RES/2185, November 20, 2014), were adopted. However, since Russia was subject to non-UN sanctions by the United States, the European Union (EU), and their allies over Ukraine at the time, Moscow was unwilling to accept a resolution on improving coordination and implementation of UN sanctions. So, while Australia acted as an energetic elected member, its ability to shape and influence Council outcomes was constrained. Nevertheless, commentator and scholar Richard Gowan concluded that Australia had “the tactical dexterity to play with the P5.”<sup>28</sup> Britain’s ambassador to the UN, Mark Lyall Grant, said that Australia had the most impact of any elected member during his five years’ involvement in the Council—high praise indeed.<sup>29</sup>

Thus, although elected members are constrained by permanent members, each elected member can have significant influence if its mission is adequately funded and its diplomats are professional, engaged, and hardworking. It helps if mission staffs include lively, focused, unpretentious, innovative, and pragmatic diplomats who seek to cooperate effectively with other Council members, whether elected or permanent. Experience suggests not only that elected members can be influential Council members, but that they are likely to be more effectively accountable than additional permanent members. Keating concludes that “a number of small countries have demonstrated in recent years that it is...possible to assert a leadership role,” and cites Austria, Costa Rica, Denmark, Guatemala, and Uganda as

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examples.<sup>30</sup> Yet, there are limits to the extent to which elected members can improve the effectiveness and legitimacy of the Council in the absence of structural reform.

### **E10 to E18?**

It is possible that the reform proposal most likely to attract support from the necessary two-thirds of UN members—without the opposition of P5 governments—is enlargement of the Council with only additional elected members because, unlike the case with permanent membership enlargement, in this case most countries are winners, not losers. So long as this does not preclude their quest for permanent membership, the four heavyweight candidate countries (Brazil, Germany, India, and Japan) may not be active opponents.

There are some very attractive features of this possibility. Positive experience of the capacity of elected members to influence the UNSC’s agenda and decisions suggests that expanding the number of elected members could enable the Council to become more equitably and effectively representative of UN membership, ensure that a wider range of issues and perspectives would be included in debates, and harness a greater range of assets and skill sets to the critical work of the Council. Several proposals to this end are in circulation, the most publicized coming from the Uniting for Consensus group. To be most effective, such an enlargement could be linked with an equitable regional distribution of non-permanent seats, along the lines proposed by the 2004 High-level Panel on Threats, Challenges, and Change. A major benefit of including more elected members is that a higher proportion of UN member states could be held accountable for Council performance, reducing the risk of “responsibility shirking.”<sup>31</sup>

Edward Luck, UN expert, former president of the UN Association of USA (1984–94)

and inaugural Special Adviser to the UN Secretary-General on the Responsibility to Protect  
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(2008–13), has an interesting and potentially feasible proposal that includes expanding the number of elected members by five, and increasing the terms of all elected members to three years so that, as now, five would be elected each year.<sup>32</sup> This proposal would strengthen the total power of elected members, who would outnumber the P5 by three to one instead of two to one. Article 27 of the UN Charter specifies that UNSC decisions require the affirmative vote of 9 members including, in the case of non-procedural resolutions, all five permanent members (the veto clause). In other words the Council makes decisions on a 60 per cent, not a simple, majority. In a 20-strong UNSC, even if all the P5 agreed, they would require seven rather than four of the elected members to obtain a 60 per cent majority. Three-year terms would enhance the capacity for elected members to make a substantial contribution. The probability of broad support might increase if it were to include specification of a fair regional distribution of the elected seats. As Luck writes, the principal attraction of this proposal is that it recognizes “that what the Council needs is permanent accountability, not more permanent members.”<sup>33</sup>

Luck’s proposal, interesting though it is, is one private person’s idea. The populated framework document accepted by the GA on September 14, 2015, as the basis for negotiation during the 70th Assembly session showed that the majority of respondent states preferred enlarging the Council to between 21 and 27 members and these limits have been identified by the Chair of the Intergovernmental Negotiations as the limits for an enlargement.<sup>34</sup> One way of reflecting this would be to increase the number of elected members by eight to eighteen, and so the Council to 23 members. If the terms of all elected members were extended to three years, this would lead to holding elections for six elected members each year.

Enlargement to 23 by adding eight elected members would alter Council dynamics.

The ratio of elected to permanent members would grow from 2:1 to 3.6:1, substantially

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strengthening elected members' voting weight. Though meetings would take longer, more regions and issues would be directly represented. The risk of neglecting conflicts that deserve attention would decline. The Council would be more difficult for one, three, or even five permanent members to control. For instance, the optics of Chinese and Russian vetoes on Syria over the past few years would have been worse for the two countries if they had frustrated the will of 21 instead of thirteen UNSC members. The strength of UN Member States' engagement with the UN would increase as more states experienced participation in debates about peace and security. The other 170 UN member states would receive more active representation, and a higher proportion of Council membership would be directly accountable to them.

Extending the terms of all elected members is not an essential part of this package, but it would have the great benefit of enabling elected members to make a more effective contribution to the Council. It would reduce the difficulty of many inexperienced members of learning how to fulfill their role. (One downside, though, is that, unless this was accompanied by an enlargement with five or more additional elected members, it would reduce the turnover of elected members and so reduce opportunities for membership compared with two-year terms.) The most important consideration, however, is that this would likely add to the Council's net effectiveness.

This article has shown that, in the past, some 'able and willing' elected members have had considerable capacity to influence Security Council outcomes. Increasing the number of elected members would substantially enhance this. Structural reform by enlarging the number of elected members would not only strengthen legitimacy but also improve accountability by enriching the Council's dynamics. Increasing the size of the UNSC and extending the term of

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the elected members would therefore increase its capacity to fulfill its responsibilities for maintaining international peace and security.

## Notes

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- 11 United Nations, “Calling for Security Council Reform, General Assembly President Proposes Advisory Group to Move Process Forward,” Department of Public Information, November 7, 2013. <http://www.un.org/press/en/2013/ga1450.doc.htm>.
- 12 Sam K. Kutesa, President of the General Assembly, *Intergovernmental Negotiations on the question of equitable representation on and increase in the membership of the Security Council and related issues*, July 31, 2015. [www.un.org/pga/letters/](http://www.un.org/pga/letters/) and A/69/L.92 including Annex Part 1, and Annex Part 2.
- 13 Ibid.
- 14 See the report on the discussions by Alex Maresca, “IGN on Security Council reform begin for the 70th Session,” Center for UN Reform, March 14, 2016, <http://www.centerforunreform.org/?q=node/696>.
- 15 Text of the letter, dated February 25, 2016, is available at: [http://www.un.org/pga/70/wp-content/uploads/sites/10/2015/08/25-Feb\\_Security-Council-Reform-25-February-2016.pdf](http://www.un.org/pga/70/wp-content/uploads/sites/10/2015/08/25-Feb_Security-Council-Reform-25-February-2016.pdf)
- 16 Mogens Lykketoft, Letter to all Permanent Representatives, enclosing a letter and attachment from Sylvie Lucas on “Elements of convergence”, all dated 17 May 2016; [http://www.un.org/pga/70/wp-content/uploads/sites/10/2015/08/17-May\\_Security-Council-Reform-17-May-2016.pdf](http://www.un.org/pga/70/wp-content/uploads/sites/10/2015/08/17-May_Security-Council-Reform-17-May-2016.pdf)
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- 20 Argentina on working methods; Australia on Afghanistan and with Jordan and Luxembourg on Syrian humanitarian issues; Chile on two international criminal tribunals on Rwanda and the former Yugoslavia; the

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Republic of Korea on non-proliferation and weapons of mass destruction; Luxembourg on children and armed conflict; and Nigeria on Guinea-Bissau, West Africa, and peace and security in Africa.

21 One of the authors, Ramesh Thakur, was the Principal Writer of UN Secretary-General Kofi Annan's second reform report in 2002. This point was made frequently in consultations with several members from the P5 missions.

22 One of the authors, Ramesh Thakur, was engaged in discussions inside the Canadian government, which led to the establishment of the Security Council Report and the appointment of its inaugural executive director.

23 Colin Keating, "Power Dynamics between Permanent and Elected Council Members," in Sebastian von Einsiedel, David M. Malone, and Bruno Ugarte, (eds.) *The UN Security Council in the 21st Century* (Boulder CO: Lynne Rienner, 2016), p. 149; also Edward Luck, "The Security Council at Seventy," *Ibid.*, p. 204.

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- 32 Luck, “The Security Council at Seventy,” pp. 206–09.
- 33 Ibid., p. 209.
- 34 Kutesa, *Intergovernmental Negotiations*.

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