

IDSA

Issue Brief

A Security Council for the 21st Century: Challenges & Prospects

E. Courtenay Rattray

July 21, 2016

S*ummary*

Although the technical work being undertaken within the framework of the IGN is important, real movement on reform will only take place if sufficient political will is brought to bear. The trigger for such action will arrive when the international community reaches a tipping point. This tipping point will be based on the level of frustration with the inability of the Council to take the collective action required to relieve the menace of aggression and safeguard international peace and security. It is not known when this point will be reached. We are already confronted with the crises in Syria and the Ukraine, and on occasion North Korea, on which the Council is divided. Yet, in spite of the gravity of these situations, they have failed to provide the reform effort with the impetus it requires to jolt it from its decades-long malaise.

Brazil has a long history of involvement in UN Security Council reform and has strongly advocated its own inclusion as a Permanent Member. In fact, June 2016 marks the 90th anniversary of Brazil's formal notification of withdrawal from the League of Nations, which action it took in response to the denial of a permanent seat for itself on the League's Council. Consequent on the conclusion of the Locarno Treaties in 1925, Germany had been assured that it would be admitted to the League of Nations with a permanent seat. In an organisation that depended on consensus, Brazil adopted the position that it would veto any permanent seat for Germany unless it simultaneously received one as well. In the event, a compromise arrangement was proposed by a Committee appointed by the Assembly.

This arrangement, which is detailed in F.P. Walters' *A History of the League of Nations*, was intended to create "an intermediate class of semi-permanent seats whose holders, unlike the permanent Members, needed to be re-elected every three years, but could in practice expect to retain their Council seat for an indefinite period." It was understood by all that this element of the proposal was designed specifically to accommodate the aspirations of Brazil, Poland and Spain. However, as history shows, Brazil remained dissatisfied and refused to accept an arrangement that placed her among the second tier of world powers.

Now, nine decades following those noteworthy events, Brazil and Germany collaborate as partners within the Group of Four, where they are once again pressing their demands for a permanent seat on the Security Council of the successor organisation to the League of Nations.

Where does the reform process currently stand and what aspects need to be addressed in order to heed the explicit call for "early reform" issued by world leaders at the 2005 World Summit?

IGN Process: Current Status

Let me begin by providing an overview of contemporary efforts being made to reform the United Nations Security Council within the framework of the Intergovernmental Negotiations (IGN) process. This is a process that I was privileged to lead throughout the course of the 69th Session of the General Assembly, during 2014 and 2015.

A deep sense of cynicism and apathy has pervaded the reform process for over 20 years, and there has been a chronic inability to move beyond procedural concerns towards real give and take negotiations. On assuming the position of Chair, I recognised, based on the complexity of the issues, that text-based negotiations was the most suitable approach to conduct the work of the IGN. However, given the deep cynicism that had permeated the UN Membership, my first task was to imbue Member States with a feeling of optimism that this time would be different – they needed to be convinced that it would not be 'business as usual'.

Up to that point, the IGN process had become bogged down. The proceedings were mired in ritualised formal exchanges among Member States, characterised by the endless repetition of statements that detailed well-known, static, positions that had

not evolved much over the years. It was a process preoccupied by procedural concerns, particularly surrounding the documents that had been produced since the inception of the IGN, namely Revisions 2 and 3 of the initial compilation document.

My predecessor, the Ambassador from Afghanistan, fully recognised the existence of this stasis; writing in July 2012 that “It is time to recognize the limits of what can be achieved within the current framework of the Intergovernmental Negotiations (IGN) without a deepened Member State commitment to undertaking robust negotiations, involving active give and take.”

In the process of changing the dynamic of the IGN and spurring active give and take negotiations, the first decision taken during my tenure was to build a fully inclusive, step by step, process towards the creation of a new text, in the hope of overcoming some of the procedural roadblocks that had been raised regarding previous texts. This “organic” approach had three stages, at the core of which was the creation of a framework document, which Member States were invited to populate with their own proposals and positions. The intention was to use the framework document as a basis for building a workable negotiating text; one that represented the full range of views on the five key issues of the IGN mandate. The approach was designed to move the process beyond the divisions that had surrounded previous negotiation texts, and to do so in a logical, systematic and non-disputatious manner.

The second phase of the approach was the convening of back-to-back interactive dialogue sessions over the course of a week, which allowed Member States to fully explore each other’s positions. It was intended to yield an in-depth understanding about the practical manner in which their various proposals would operate. This Socratic approach generated dynamic and engaged discussion among the Membership and was characterised by more practical and less theoretical exchanges, designed to build the common understanding necessary to achieve convergence.

This critical aspect of the process succeeded, for example, in forcing the C10 and other Member States of the African Group to examine the Ezulwini Consensus more carefully, particularly how the two regional permanent seats selected by the African Union would operate in practice. Similarly, I can say that as a CARICOM Member we were stimulated to delve further into the mechanics of our proposal for a designated, non-permanent, rotating seat for SIDS across all regions. The closest approximation we currently have to this concept is the existing Arab swing seat, which is based on an informal agreement whereby one seat is reserved for an Arab State, for which the Asia Pacific and African Groups take turns every two years in providing a suitable candidate.

The third phase of our approach embodied the process of condensing the framework document into a true negotiation text. The text was produced through intensive consultations with every single Member State and group of States that submitted proposals to the Framework Document, for the purpose of merging the obvious overlaps which existed between positions. These consultations also served to sharpen the language and make the text more readable. The outcome was that we were able to produce a workable document that was suitable for the commencement of text-based negotiations.

As a result of this inclusive process, more Member States were encouraged to submit their positions and proposals, which resulted in a final text of 25 pages consisting of 38 submissions representing the positions of more than 120 Member States.

On 14 September 2015, the General Assembly adopted, by consensus, Decision 69/650 in which Member States decided to immediately continue the Intergovernmental Negotiations on Security Council reform (IGN) during the 70th session of the General Assembly, “building on the informal meetings held during its sixty-ninth session, as well as the positions of and proposals made by Member States reflected in the text and its annex circulated by the President of the General Assembly in his letter dated 31 July 2015.”

So where does the IGN process stand today? The current Chair of the IGN, the Ambassador of Luxembourg, held on 22 June 2016 what in all likelihood was her final meeting. As she will be departing New York to take up duties at another post, a new IGN Chair will need to be appointed by the incoming PGA for the 71st Session. The PGA-elect is the Permanent Representative of Fiji, who was elected by the General Assembly last week.

Throughout this IGN session, the Chair has exhorted Member States to identify elements of convergence between their respective positions and proposals, which were reflected in the Framework Document that was adopted by a consensus Decision of the General Assembly at the conclusion of my Chairmanship.

On the basis of the discussions on two of the five key issues, viz., the Relationship between the Council and the General Assembly, and the Size of an Enlarged Security Council and Working methods of the Council, the Chair produced a text that outlined elements on which she determined that areas of convergence existed. She has stated that it is her hope that reflecting them on paper will “help to inform our future work in the IGN and to focus our discussions further on the key issue areas in which more work needs to be done.”

Given the Chair’s imminent departure however, the question arises whether the incoming Chair should proceed on this basis. If so, should we commence our work in the next session by moving to a consideration of convergences in the other three key issues, or should we maintain our focus on further considering the initial two issues the Chair selected, considered by many to be the low-hanging fruit? An inherent risk of the latter approach is that it could unnecessarily prolong the negotiations by devoting inordinate attention and time to just two key issues.

There are also those that disagree with what they see as the adoption of a fragmented and piecemeal approach to the agenda of issues. The G4 and L69 have been vocal in this regard, with the L69 reiterating to the Chair at the 22 June 2016 IGN meeting that in order “to ensure a meaningful outcome of the current session of the IGN under your able leadership, it is essential that elements of convergence, to the extent that it exists, as well as points of divergence in all five key issues must be incorporated in the paper.” It should be noted, however, that the Chair has indicated that she remains “mindful of the comprehensive nature of the reform of the Security Council, encompassing all five key issues set out in General Assembly Decision 62/557.”

Given these concerns, it may be preferable for the new IGN Chair, who is yet to be appointed, to begin with a consideration of the three remaining issues of: Categories of Membership; Regional Representation; and Size of an Enlarged Security Council. This will not be an easy undertaking given that these three key issues are the most politically charged of the package. Dealing with them in the next session will require a coordinated two-pronged approach focused on “technical” discussion within the IGN and heightened and targeted political discussion in capitals.

What is clear is that although the technical work being undertaken within the framework of the IGN is important, real movement on reform will only take place if sufficient political will is brought to bear. The trigger for such action will arrive when the international community reaches a tipping point. This tipping point will be based on the level of frustration with the inability of the Council to take the collective action required to relieve the menace of aggression and safeguard international peace and security. It is not known when this point will be reached. We are already confronted with the crises in Syria and the Ukraine, and on occasion North Korea, on which the Council is divided. Yet, in spite of the gravity of these situations, they have failed to provide the reform effort with the impetus it requires to jolt it from its decades-long malaise.

Given this situation, Member States rightly ask themselves whether the IGN represents the most effective format within which to achieve Security Council reform. If not, should Member States mount an effort to prepare a draft resolution on Security Council reform and subject the matter to a vote? In my view, this would not only weaken the IGN process by undermining the efforts of the Chair, but risk driving a wedge between different factions of the Membership. Efforts have been made by Member States in the past to hold straw polls on key questions as a means of testing support for various draft resolutions. However, in the context of Security Council reform, such resolutions have proved to be more about amassing votes around a particular reform approach, rather than bridging divides, which is the stated purpose of the IGN.

Approaches/Opportunities to be leveraged

I now wish to share reflections on approaches that can be adopted and opportunities leveraged in the pursuit of meaningful progress on Security Council reform. I will focus in particular on an assessment of the importance of the roles of various actors and venues to the reform endeavour.

Role of Capitals

As a question of strategy, one should inquire as to the role that capitals can and do play. During my tenure, I was able to see the intensive lobbying activity in which a particular member of the P3 (China, the Russian Federation and the United States) engaged throughout capitals the world over. My experience was that those in the anti-reform camp were more active in influencing opinion within capitals than their counterparts in the reformist camps.

This is not to say that pro-reform countries have not taken similar initiatives. Prime Minister Modi of India, for example, has been assiduous in using his extensive travels to secure pointed references to Security Council reform within the context of the bilateral discussions he has undertaken during the course of his official visits.

However, for some countries committed to maintaining the status quo, all levers of power and influence are readily deployed, including economic pressure. In doing so, approaches to capitals are often made simultaneously at all levels of government, from Heads of State and Government down to the Director levels within various Ministries. Political outreach is also undertaken by lobbying parliamentarians and even targeting persons within the business sector.

Role of the President of the General Assembly

Another question that arises is: What role can the President of the General Assembly play? A strong and committed PGA can be of immeasurable assistance to the IGN Chair, by placing their considerable influence behind the reform process. Should they choose to do so, they can leave the Membership in no doubt that the Chair enjoys their full confidence and acts in their name. Moreover, a PGA with political clout can effectively use their political capital to shore up support for the IGN Chair, if and when needed. They can also advance the process by engaging in discussions with political leaders, either at UN Headquarters in New York, or on their visits overseas.

Conversely, a weak PGA can be manipulated by powerful countries. Equally as damaging, a disinterested PGA can opt to place the issue of reform on the back burner, thereby taking the steam out of the process.

Role of the Secretary-General

One should also examine the role that the Secretary-General (SG) can play. A strong, independent and committed SG can bring considerable influence to bear on the process. Will the new SG be so disposed?

The last occasion on which a Secretary-General attempted to influence the reform process was in 2005, in advance of the World Summit. Kofi Annan detailed his proposals for Security Council Reform in his report entitled "In Larger Freedom", which outlined a comprehensive package of United Nations' institutional reforms. He was motivated by the view that "no reform of the United Nations would be complete without reform of the Security Council." He also held the belief that "the Security Council must be broadly representative of the realities of power in today's world." He proposed two reform options, the first being a model with six new permanent seats with no veto powers, and three new two-year non-permanent seats divided among the major regional areas. The second option provided for no new permanent seats, but created a new category of eight four-year renewable-term seats and one new two-year non-permanent (and non-renewable) seat divided among the major regional areas.

Although Kofi Annan failed in his attempt to reform the Council, the question arises: Will the new Secretary General be as engaged and bold as Annan was on this issue?

Role of the General Membership/Pro-reformers

And what about the role of the general membership? Whether this proves to be the case or not, UN Member States sometimes discount the power they can wield when they organise themselves to act in concert. From my perspective, there have been instances of missed opportunities by pro-reform States during the course of this current IGN session, in which the Membership could at times have been more strategically astute. Member States failed to respond effectively to the IGN Chair's repeated calls for convergence and so missed an opportunity to go beyond the mere theoretical identification of possible areas of convergence during our examination of the key issues.

We could have instead developed common textual language that reflected convergences in the positions of various Member States and Groups. These convergences could then have been presented to the Chair as new language that could, at some later stage, be assimilated within the final document.

Role of Civil Society

Pro-reformers should consider the question of how civil society can be more effectively mobilised in support of the reform effort. First of all, it is clear that their engagement would need to be supported, including financially, in order to enable them to undertake activity in this area. Their involvement could encompass the publication of scholarly work on various Security Council reform proposals, or undertaking activism such as through the staging of international campaigns and targeted outreach and advocacy.

Civil society advocacy could be effectively utilised by individual Member States as a means to highlight the substance of their proposals and positions. An example of this is the hearings that were recently organised by civil society at the UN, in which the Permanent Representatives of countries currently campaigning for seats as part of the Elected-10 fielded questions from Member States, NGOs and civil society.

Civil society could also examine the feasibility of staging a Side Event on the margins of the General Assembly's annual consideration of the agenda item on UN Security Council reform, which normally takes place in October.

Political Environment in Member States

I wish to conclude now with some thoughts on the significance of the political environment that exists in Member States that are at the forefront of the reform effort. It is undoubtedly the case that reform will only occur when the time is ripe politically.

The contemporary domestic political environment within various Member States can obviously have an influence on the reform agenda. Domestic political instability can distract governments' attention from Security Council reform towards a greater focus on overriding matters of national concern.

Furthermore, the level of tension that may exist between the main reform parties is another factor that could influence prospects. As Professor Edward Luck has said, within the United Nations, “political convergence precedes institutional change, not the other way around.”

A change of government is a further element that can have a bearing on reform prospects, as this may result in a fundamental policy shift between an outgoing administration and its successor. For example, we are witnessing significant policy changes on a range of international issues as a result of recent elections that have occurred in Canada and Argentina, both members of the UfC. Similar policy shifts may also result from the forthcoming US presidential elections in November.

That said, I sometimes wonder how the positions of some countries can remain so static on this issue over a protracted period of time. In some instances, the policies of some Member States towards Security Council reform have remained unchanged in excess of 20 years. This begs the question whether they are able or willing to evolve in relation to their thinking on this issue, or if their proposals are forever destined to be immutable.

Concluding Thoughts: Some Key Questions

I leave you today with some key questions that I believe are worthy of consideration:

- Are pro-reformer countries genuinely interested in achieving reform?
- If so, how do they engage with their anti-reform protagonists?
- How would Brazil’s presence as a Permanent Member, either with or without veto power, impact the crises in Syria, Ukraine or North Korea? Would its admittance to this elite club really make a difference to the rest of the world?
- What is Brazil’s response to those who argue that without structural change to the Security Council’s operating system, the addition of new permanent members will fail to redress the fundamental problems that are embodied in today’s Council?

Security Council reform has proved over the years to be a stubborn and elusive goal, but it is one that I believe remains firmly within our reach if we muster the courage and determination to grasp it.

Note: Excerpted from the Keynote Address delivered at the Seminar “A Security Council for the 21st Century: Challenges & Prospects”, held in Brasilia on 23 June 2016.

About the Authors

His Excellency E. Courtenay Rattray is the Permanent Representative of Jamaica to the United Nations.

The Institute for Defence Studies and Analyses (IDSA) is a non-partisan, autonomous body dedicated to objective research and policy relevant studies on all aspects of defence and security. Its mission is to promote national and international security through the generation and dissemination of knowledge on defence and security-related issues.

Disclaimer: Views expressed in IDSA's publications and on its website are those of the authors and do not necessarily reflect the views of the IDSA or the Government of India.

© Institute for Defence Studies and Analyses (IDSA), 2015