

STUDY GUIDE A

UNITED NATIONS SECURITY COUNCIL (UNSC)

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Question of equitable representation on and increase in the membership of the Security Council and related matters

1. The UNSC

The United Nations Security Council is one of the six main organs of the United Nations and it is responsible for maintaining international peace and security. It is the only organ to have a mandatory power, while the others make recommendations to member states, only the Security Council has the power to make decisions that the member states are then obligated to implement under the Charter.

As mentioned previously, the main function of the UN Security Council is to preserve the international security and peace, as indicated in Chapter V of the Charter of UN (2013). For that, it discusses many topics that are important to assure that. Some of the most important are: Justice, Rule of Law and Impunity; Human Rights; Protection of Civilians; Women, Peace and Security; Children and Armed Conflict; Terrorism; Small Arms; Arms Control and Disarmament, including small arms; Drug Trafficking and Security; Energy, Climate and Natural Resources; Piracy and Health Crises. The council acts under the Chapter VI of the Charter when call upon the parties of a dispute to settle the situation by peaceful means, and by the same chapter can make recommendations to the parties, if required.

The council's first action in a peace-threatening situation is to recommend that the parties try to reach an agreement by peaceful means. In that case, the council has the responsibility to set the principles for the agreement; undertake investigation and mediation, if needed; dispatch a mission; appoint especial envoys; or ask for the Secretary-General for help to achieve a pacific settlement. In the other hand, if the dispute already led to hostilities the Council will try to end it as soon as possible by issuing ceasefire directives to preclude the escalation of the conflict or by dispatching military observers or peacekeeping operations to help reduce the tension. The Council has also the power to opt for enforcement measures as economic sanctions, arms embargoes and financial penalties and restrictions.

When the UNSC establishes the use of the UN peacekeeping forces it retains all the responsibility for the interventions, and has to set all the terms. Another important point is the Chapter VII that implies that “[The UNSC] may decide what measures not

involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures.” (UN Charter, 1945). It means that the members can be called to use of economic measures as the complete or partial interruption of economic relations, and the UNSC should consider what measures would be adequate in the situation.

Since its first meeting, the Council has taken permanent residence at the United States of America, in the United Nations Headquarters in New York City. Nowadays it has 5 permanent members, known as the P5, and 10 elected members rotating every 2 years. In 2016 the members are: United States of America, United Kingdom of Great Britain and Northern Ireland, French Republic, People’s Republic of China, Russian Federation (Permanent five); Republic of Angola, Arab Republic of Egypt, Japan, Federation of Malaysia, New Zealand, Republic of Senegal, Kingdom of Spain, Ukraine, Oriental Republic of Uruguay and Bolivarian Republic of Venezuela (Elected members);

2. Situation History

By the end of World War II, was created the Security Council, an organ of the United Nations dedicated to keep the peace around the world. It was ratified by the five winner countries of the mentioned war: the United Kingdom, the United States of America, U.S.S.R., France and China, which were established as the five permanent members of the council (known as P5), with the right to veto decisions. While the power of veto is not openly stated in the UN Charter, the text does consider that substantive decisions by the UNSC entail "the concurring votes of the permanent members".

In addition, was also created another rule: there would be six temporary members, rotating every two years. These members would be chosen in a way that all the geographic regions of the globe could be represented. That rule was solidified in 1965, and ended up establishing that there would be ten temporary members instead of six and also defined the regions from where the members would come from: there would be five for Africa and Asia, one for Eastern Europe, two from Western Europe and two for Latin America and the Caribbean. A State that is a Member of the United Nations but not of the Security Council may participate, without a vote, in its discussions when the Council considers that that country's interests are affected. Both Members and non-members of the United Nations, if they are parties to a dispute being considered by the Council, may be invited to take part, without a vote, in the Council's discussions; the Council sets the conditions for participation by a non-member State.

Over the years, some regions started feeling unrepresented by the Security Council considering the fact that only European countries and the United States have the permanent seats and the power of veto. Along with that, the rotating seats are not enough to represent such big regions of the world and because of the veto power, the decisions are not always as democratic as the UN claims it is. Also, there are divisions inside the P5 group, the P3 (UK, US and France) and the P2 (China and Russia), and if there are divisions within the permanent members then there are cries that the UN is an ineffective body that is not fit for purpose. If there are agreements, then the viability of the UN is affirmed and there is cause celebre that the UN is an invaluable body to world peace and

security. Therefore, various regions of the world claim for the revision of these rules so the representativity is increased inside the council and the important decisions made by them are more democratic.

3. Countries Positions

3.1. Russian Federation

Russia supports a reform of the Security Council, as long as there is a minimum of two thirds of agreement among the member of UN (ideally, it would be a consensus). The country agrees that many regions are underrepresented in the Security Council and agrees that there are not elected members enough to represent regions such as Africa, Asia and Latin America. Therefore, Russia preaches that a bigger number of permanent members is necessary, with or without reform, to assure representation to those regions. The country, however, claims that the Russian power to veto should be maintained. (SPUTNIK BRAZIL, 2016).

3.2. People's Republic of China

The country claims to be in favor of a reform in the Security Council, however strongly opposed the G-4 (Brazil, India, Germany and Japan) proposal for it, which would add permanent members, from the beginning of the negotiations. To justify that opposition, China claims that this proposal will divide and destroy all the effort that has been made in UN to come to a consensus for the matter, and such a decision should not be made without a consensus.

However, it is important to observe that China has other reasons for not wanting new permanent members, being Japan one of them. That country is a strong opponent as a local influence in Asia, and being a permanent member on CS would elevate Japan to equality with China when it comes to decision making; China is against that, since the two countries have not had good diplomatic relationships in recent times.

3.3. United States of America

" The United States, a key actor, already indicated that they are open in principle to an expansion "modest" of the Council in both categories of permanent and non permanent, since the consideration of these new permanent members be made specifically . The criteria for the choice should be based on Article 23 of the Charter, in particular contributions to international peace and security and other objectives of the Organization " (GARCIA, E. V., 2003 p.122)

They indicated their possible support for the accession of Brazil, however, without the power of veto in 2009, and stood against the Indian membership because of the nuclear weapons issues. However, in June 2011, the Council on Foreign Relations recommended that the US government fully endorse the inclusion of G-4 between the permanent members of the Security Council. As for Japan, Secretary of State Condoleezza Rice, in a speech at the University of Sofia, said US support for Japan's

candidacy as this "[...] acquired its honorable place among the nations of the world through their own efforts and its own character."

3.4. United Kingdom of Great Britain and Northern Ireland

In a joint action with France, nominally supports the proposal of the G-4, which seeks the expansion of the body in both categories of membership. It also supports a permanent representation to the African continent.

3.5. French Republic

In accordance with the United Kingdom on a proposal for joint action, in line with the Franco-British declaration of 2009 endorse the expansion in both categories of members and express nominally its support for the G-4, mainly the entry of Germany and Brazil, which has as its basic premise the expansion of the UN Security Council in the categories of permanent and non-permanent, with increased participation of developing countries in both, in order to better reflect the current geopolitical reality. It also advocates a permanent representation for Africa.

3.6. Kingdom of Spain

Spain is part of the group United for Consensus (UfC), along with other countries such as Argentina, Canada, Columbia, Italy, Mexico, etc. According to the group's resolution A/59/L.68, there should be created 10 new non-permanent seats. The twenty seats should then be distributing the following way: six for Africa, five for Asia, two for eastern Europe, four for Latin America and the Caribbean Islands and three for western Europe and other states. The representative states would be renovated every two years, and reelection would be possible.

3.7. Japan

Japan, along with Brazil, India and Germany, forms the G-4, one of the groups with proposals for reforms in the Security Council. The claims of this group can be resumed in: the extension of both permanent and non-permanent members, totalizing 25 seats; the creation of six permanent seats: two for Africa, two for Asia (occupied by India and Japan), one for Latin America and the Caribbean Islands (occupied by Brazil) and one for Europe (occupied by Germany); the creation of four new non-permanent seats, one for each of the regions above; the reform of the methods of the Council; the abdication of the right to veto by the new permanent members for 15 years, until the matter is reevaluated.

3.8. Oriental Republic of Uruguay

Uruguay is part of the ACT ("Accountability, Coherence and Transparency") group, along with Switzerland and 19 other States. The objective of the group is to reform the methods of the Security Council, emphasizing that the veto power should not be used in cases of genocide, war crimes and crimes against humanity.

Though the group does not discuss the expansion of the number of members in the Council, Uruguay supports the G-4 when it comes to this topic, therefore, supports a larger number of permanent members, including Brazil, Germany, Japan and India.

3.9. Republic of Angola

It adopts the position of the African Union, along with Egypt, but with safeguards, as it is not considered one of the favorites to take a seat of standing orders. Angela Merkel of Germany, sought support in your idea in 2011, touring the continent.

3.10. Arab Republic of Egypt

Currently, no African country has permanent membership in the Security Council. Although no African nation has formally applied for the vacancy, Algeria, Egypt, Ethiopia, South Africa and Nigeria are seen as the most highly rated by the experts. Today, Egypt, which has the largest military potential of the continent, being one of the UN founding states, and has great impact in the Arab world, endorse the proposal of the African Union. This last adopts common position on the reform through the "Ezulwini Consensus", in March 2005.

" As regards the reform of the Security Council, the document argued that African representation should give up through:

- I. at least two permanent seats on the UN Security Council, with all the prerogatives of the current permanent members, including the veto, while it exists; and
- II. five non-permanent seats. " (MRE, 2016)

3.11. Federation of Malaysia

Malaysia's delegation believes that the Security Council should be reformed. Those reforms would include: an increase of the number of permanent and non-permanent members, so that more regions could be represented and that the countries could be a part of the council more often; limitation to the veto powers, so that new permanent members could have the same power to veto, power which shouldn't exist in cases such as genocide, war crimes and crimes against humanity. In addition, there should be a minimum number of veto so that a resolution could be rejected, in order to protect the opinion of the majority.

Malaysia also recommends that the Security Council is clearly separated from the Assembly, however, supports the institutionalization of meetings (to happen monthly) between the presidents of the two institutions.

3.12. New Zealand

Takes part in the group "Accountability, Coherence and Transparency Group" - ACT, coordinated by Switzerland and composed of other 20 countries from different regions (Saudi Arabia, Austria, Chile, Costa Rica, Slovenia, Estonia, Finland, Gabon,

Hungary, Ireland, Jordan, Liechtenstein, New Zealand, Norway, Papua New Guinea, Peru, Portugal, Sweden, Tanzania - as an observer - and Uruguay), united for the purpose of reforming the Security Council's working methods.

By announcing to the Member States, the media and civil society the creation of the group the Permanent Representative of Switzerland to the United Nations stressed that the work of the group will not have the goal of expanding the Security Council and not related to the process intergovernmental negotiations led by the Afghan RP Ambassador Zahir Tanin. He said that the "mission" of the ACT is to ensure that the UN Security Council in its present composition, work more transparent, comprehensive, coherent, legitimate and responsible.

3.13. Bolivarian Republic of Venezuela

Embraces today the position of CARICOM, which endorses most representative proposals within the Council. The G-4 group always seeks to work close to this group, then have part of their support. Nevertheless, the L69 group has its endorsement to seek, within the body ,more representative of emerging countries.

3.14. Ukraine

Ukraine also preaches that the Security Council needs a reform, and agrees with other countries such as Mexico and France that the veto power of the five permanent members should be limited and even suspended in cases such as war crimes. The country also supports a bigger representation in the Council, with new seats for Africa, Asia and Latin America, as well as the creation of a non-permanent seat for Eastern Europe, more specifically. In addition, Ukraine supports the G-4 ideas.

3.15. Republic of Senegal

Senegal is part of the African Union, which elaborated a document called "Ezulwini Consensus", which discusses topics for the reform of the Security Council. The document defends that: the Council should be expanded to the total of 26 members; the creation of six new permanent seats, which would have the same powers as the five original permanent members: two for Africa, one for Latin America and the Caribbean Islands and one for western Europe and other States; the creation of five new non-permanent seats: two for Africa, one for Asia, one for eastern Europe and one for Latin America and the Caribbean Islands and, finally, the bettering of the methods used in Council.

4. Group Positions

4.1. P3

The United States of America, French Republic and United Kingdom of Great Britain and Northern Ireland constitute the group. They are part of the Permanent 5 and in this case have the same interests. They agree with the proposals of the G-4 group, but with the US in the group, they have some disagreements: France and UK want the

expansion of both, the permanent and the elected, in the council but the US is afraid of some countries being permanent and injuring its position.

4.2.P2

Russian Federation and the People's Republic of China are part of that group. They are open to a change but one of them is strongly against new permanent members and the extinction of the power of veto. The other agrees with any changes if there is a minimum quota voting in favor. Therefore, the best solution is to add more elected members, in order to increase representativity, but without taking off the privileges of the permanent members, and without adding more of them so any of the current members is injured.

4.3. The others

There is no specific group to represent the elected members, considering that they change every 2 years. However, nowadays the interests of the elected members in this matter is the same, they want changes in the rules so they can be more represented inside the council. Some of them, like Japan, have already made some proposals to the council that can be considered in the discussion.

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