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## **ON PURSUING UN SECURITY COUNCIL REFORM**

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- To achieve a breakthrough for UN Security Council reform, a UNGA resolution that gets more than 129 yes votes out of 193 countries is necessary.
- The strategy must be to maximize support in UNGA and minimize resistance from the P5 in the Security Council.
- Reflecting on experience from the 2005 G4 campaign, a contemporary analysis is given on three contentious issues: categories of membership and total size of the expanded Security Council; the veto question; and the African question.

*The views expressed in this piece are the author's own and should not be attributed to The Association of Japanese Institutes of Strategic Studies.*

The Russo-Ukrainian War and Russia's repeated use of its veto privilege in the UN Security Council has re-aroused global interest in Security Council reform. In his speech to the UN General Assembly (UNGA) on September 19, 2023, Prime Minister Kishida Fumio reiterated the need "to strengthen the functions of the United Nations, including through Security Council reform." He called for more restraint in the exercise of the veto privilege enjoyed by the Security Council's five permanent members (the P5), expressed support for expanding Africa's representation on the Security Council, and furthermore emphasized his support for enlarging the Security Council in both permanent and non-permanent categories (the "Model A" type reform identified by the "High-level Panel on Threats, Challenges and Change" in 2004). He went on to suggest the 2024 Summit of the Future or the UN's 80th anniversary in 2025 as possible target dates for achieving Security Council reform. His speech provided much more clarity regarding Japan's positions on permanent seats, the veto, and a greater voice for Africa. If the Japanese government is going to embark on a renewed campaign for Security Council reform, the following suggestions reflecting on the experience of the 2005 G4 (Brazil, India, Germany, and Japan) campaign should be helpful.

A breakthrough for achieving Security Council reform will materialize only through a UNGA resolution that gets more than 129 yes votes out of 193 countries (based on A/RES/53/30 adopted in 1998). Hoping for a consensus outcome for Security Council reform in UNGA is an unrealistic dream. This issue has been debated in UNGA ever since 1993 under the agenda item "Question of Equitable Representation On and Increase in the Membership of the Security Council and Other Matters related to the Security Council." In the Inter-Governmental Negotiations (IGN) on Security Council Reform conducted within UNGA under this agenda item since 2009, member states have made repetitious statements, and there has been little progress with as yet no single negotiating text. Lamenting this lack of progress, some analysts argue that the "Model B" type reform – enlarging the Security Council through renewable, longer-term non-permanent seats (as advocated by the Uniting for Consensus group of 12 countries) – is the only way to achieve results. They underestimate the strong commitment of India (and Brazil) to becoming permanent members, however, and misjudge the complexity of the 54 African states' position on Security Council reform.

Five key issues have been identified over the 14 years of the IGN process: 1) the membership categories; 2) the veto question; 3) regional representation; 4) the size of an enlarged Security Council and its working methods; and 5) the relationship between the Security Council and UNGA. The most contentious issues are the

membership categories (1), the total size (4), the veto (2) and regional representation (3) (an issue pertinent to Africa). There are groups of states that take unified positions on these issues: the G4, the UfC (the 12-state Uniting for Consensus group led by Italy, Pakistan and Mexico, originally named the Coffee Club), the AU (the 54-state African Union), the L.69 group (a group named after draft resolution A/61/L.69 of 2007 and currently comprising 42 developing states led by India), and CARICOM (the 14-state Caribbean Community). The positions taken by these group of states on the key issues are summarized in a chart provided on the Ministry of Foreign Affairs of Japan website (see the table on P2).

How could a UNGA resolution on Security Council reform be successfully passed? Based on experience, the strategy must be to maximize support in UNGA and to minimize resistance from the P5 in the Security Council. At the final stage, the UN Charter amendment to implement Security Council reform needs to be ratified by two thirds of the UN member states including all of the P5 states.

An analysis of the three main issues is as follows.

### **Categories of Membership and the Total Size of the Security Council**

From the Foreign Ministry chart, it is obvious that more than 100 states support the addition of permanent seats. There is a recognition among many states that the P5 dominance of the Security Council will not change unless some new states also become permanent members to reflect today's geopolitical realities. The 2005 G4 proposal was to add six new permanent seats, but the G4 was unable at the time to specify the two additional African states owing to the complexity of the African question. During the campaign, it was clear that India and Japan had the strongest support in seeking permanent seats. Almost two decades later, it has become imperative for Japan to work very closely with India to seek a Model A-type reform proposal that would be feasibly acceptable to UNGA.

The appropriate number of additional non-permanent seats is a tricky matter. All five regional groups of the UN (African Group, Asia-Pacific Group, Group of Latin American and Caribbean States [GRULAC], Eastern European Group [EEG] and Western Europe and Others Group [WEOG]). want additional non-permanent seats, but the P5 states are keen to limit the total number of seats to 25 or fewer. To keep the total number to this possibly "magic figure" of 25 seats, the G4 proposal of six additional permanent seats would mean four additional non-permanent seats (if the G4 can switch to five additional permanent seats by going back to the Razali draft proposal of 1997,

there could be five additional non-permanent seats). The best way of achieving equitable geographic distribution for non-permanent seats is to equalize the chance of being elected as a non-permanent member for all states that are not permanent members, regardless of their regional group. In this respect, it is important to note the number of states in the five regional groups: 54 states in the African Group (27.97%), 54 states in the Asia-Pacific Group (27.97%), 23 states in the EEG (11.91%), 33 states in the GRULAC (17.09%) and 29 states in the WEOG (15.02%). The most equitable way to distribute the additional non-permanent seats would be to utilize these percentage figures as benchmarks for all the non-permanent seats. Since seats can only be natural numbers, the practice of establishing “swing seats between regional groups” and “floating seats for certain regional groups” for one, two or even three of the additional non-permanent seats could be the route to achieving consensus on an equitable allocation.

### **The Veto**

The veto is a delicate and tricky matter for states seeking permanent seats on the Security Council. Legally speaking, all UN member states, through their ratification of the UN Charter, have agreed to carry out the decisions of the Security Council (Article 25). Decisions can be made with a super-majority of nine votes out of the 15 members of the Security Council, but each of the P5 has the power individually to kill decisions on substantive matters. This veto power is fundamental to the institution of the Security Council. History shows that Franklin D. Roosevelt, Winston Churchill and Joseph Stalin agreed in February 1945 at the Yalta Conference that the P5 must possess this power if there is to be a Security Council, and the compromise reached was to limit this power to only substantive matters and not procedural ones. In short, the Security Council would not have come into existence without the veto, and the UN as we know it would not have been created. This power of the P5 cannot be taken away unless the Charter is amended, but all the P5 must ratify the amendment for it to come into force. Efforts are underway within UNGA to try limiting the veto power of P5 states involved in conflicts under consideration or in cases of genocide, crimes against humanity and war crimes. The G4 may wish to support this effort, but this matter would be better handled as a stand-alone draft proposal, separate from a new G4 draft proposal.

Among the G4, both Japan and Germany were willing to renounce this power, but not so India (and Brazil). The compromise reached in the 2005 G4 proposed draft resolution (A/59/L.64) was that the new permanent members shall not exercise the right

of veto until a new decision is made based on the review mandated to be conducted 15 years after the reform. The G4 understood how unpopular the veto power is among the non-permanent members and that a draft resolution seeking full powers for the new permanent members would not get anywhere near the required two-thirds majority support in UNGA. Yet for India (and Brazil), there had to be a narrow path to possibly acquiring this power in the future. It would be wise for the G4 to maintain this compromise. The African Union takes the position that the veto should be abolished but, so long as it exists, it should be extended to all members, including the new permanent members. The 2005 AU draft resolution (A/59/L.67) had no chance of adoption, but it did illustrate the complexity of the African question.

### **The African Question**


In response to the 2005 G4 movement and the UfC countermovement, the African countries in the AU adopted the “Common African Position on Security Council Reform” in March 2005. This document states that “Africa is now in a position to influence the proposed UN reforms by maintaining her unity of purpose.” This statement is correct in that Africa, by casting its 54 votes in unison in UNGA, can kill any reform proposal, but incorrect if it implies that Africa is able to pass its own proposal for reform. The Common African Position demands two African permanent seats with veto rights “as a matter of common justice,” and asserts that the AU (i.e., not UNGA) should be responsible for the selection of African representatives on the Security Council.

In its dialogue with African states, the G4 should separate its negotiations with the AU from those with the key African states interested in permanent seats. The AU is a bureaucracy with unique institutional interests that are quite different from the interests of states such as Nigeria, South Africa, Egypt, Algeria, and Ethiopia. Jealousy is fierce among these aspirants. Therefore, the current compromise for all 54 states is to argue for two permanent regional seats to be decided by the AU, however unlikely it is that the other members of UNGA will agree to such a formula. African states must understand that the Security Council status quo will continue unless the Common African Position is amended one way or another. However, African states do recognize that some states are stronger than others even within Africa. This fact is strikingly apparent in the financing of the AU, where the above-mentioned aspirants contribute more financially to the AU through their higher scale of contributions as “Tier 1” states.

The G4 may find a way to negotiate a compromise with these aspirant states by offering one African regional permanent seat to be practically decided by the AU on a

rotational basis but officially decided by UNGA through the normal election process. Such a compromise would be a win both for the AU itself and its bureaucracy and for the aspirants. The number of aspirants would need to be limited, though, and the number of years each aspirant serves in the permanent African seat should also be limited. If such a compromise could be struck, there would be five new permanent seats inclusive of the African regional representative seat and five new non-permanent seats for a Security Council of 25 seats.

### **Conclusion**

Once such a deal can be worked out on the African question, action will be necessary. Courage and perseverance are required in pursuing Security Council reform. There will be resistance and opposition after a new draft resolution is tabled. In 2005 (and subsequent years), there was a lack of courage in seeking a vote. The supporters of reform must be aware that if they lose a vote after a campaign, there will always be next year. 

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