

## **Australia's bid for Election to the United Nations Security Council: What will it mean and what are the Options?**

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*Colin Keating: Executive Director, Security Council Report, Columbia University New York*

Australia was last elected to the Security Council in 1984. It is hoping to be elected again in 2012. That is a gap of almost thirty years and I don't need to tell you how much the world environment has changed since 1984. Most importantly, the Security Council itself has changed dramatically. In 1984 it was suffering the depths of cold war paralysis. But now it is a key instrument of 21<sup>st</sup> Century security policy.

#### **The Security Council Today**

The Security Council now exercises real power – not only as between states but increasingly more so in terms of civil wars, peace processes and conflict prevention. This involvement in domestic crises from Bosnia to Somalia from Liberia to Timor Leste is a huge change. It is way beyond anything that could have been imagined, let alone seriously proposed, last time Australia served on the Council.

The Council also manages over 113,000 deployed military personnel in crisis situations around the world. This represents the second largest global military deployment. It is second only after the US pentagon and far exceeds the national deployments of all other countries put together. And the UN now does this quite effectively and efficiently at a cost way below what most member states could achieve

The Council has taken a leadership role in organising a cooperative response to international terrorism, both in terms of mandating enforcement action by

states, but also in terms of building capacity among poorer states and monitoring compliance

Finally the Council has taken jurisdiction over the activities of individuals as well as states. This again is something that could not have been contemplated in 1984. It adopts measures against non state actors, companies and rebel movements. It imposes targeted sanctions and asset freezes on terrorists, peace spoilers and individual leaders.

It is no wonder, therefore, that competition for election to the Council is intense. All of the states which see themselves as serious players or stakeholders in international affairs want to be there. It is no longer just the plaything of the five permanent members using the organisation as a tool in ideological games.

Moreover, the major international NGOs are now serious players in terms of most issues before the Council. This includes both those organisations which exercise moral leadership, like Amnesty International and Human Rights Watch, and also those with extremely large humanitarian assistance budgets which can make a real difference to human beings affected by conflict; organisations like Oxfam, CARE, World Vision and Caritas. Council members brief these organisations regularly in a systematic way (sometimes even invite them to scheduled consultation events) and they are recognised as valuable stakeholders and partners. Again this is a world that could not have been imagined in 1984.

And due to the leadership of the NGOs and the active presence of the media and internet communication, the domestic public is much more engaged than has ever been the case in the past. Public expectations of Council members – and corresponding political accountability – are much higher than anything Australian diplomats would have encountered on the Council in the past.

But perhaps the biggest change that Australia will encounter is the fact that the Council is no longer a two dimensional political body – a place for public ideological standoffs between “us” and “them”, where because of the Cold War no one really expected any serious work to be done. Such a body presented very few risks and almost no opportunities.

Today’s Council is a very multidimensional body covering very diverse issues. Traditional opinion formers like the US and the UK still like to lead,

but they also quietly acknowledge that they have no monopoly on answers or indeed even on understanding the full nature of the issues. The knee jerk option of simply being a team member who always followed the western position is no longer a credible option

The Council is now a place of real opportunities – but also real risks.

### **What does it take to get elected?**

Australia has some very strong arguments in its favour. First, the length of its absence from the Council is unusual for a state of its size and resources. Secondly Australia is a strong and generous supporter of countries in need and a serious player in regional and global security from disarmament to peacemaking – as its recent record in Timor Solomon Islands and Afghanistan demonstrates. However its road to election is not assured. There are three competitors for two seats.

Finland is the endorsed candidate of the Nordic Group and it has the full weight of Swedish, Danish and Norwegian diplomacy behind its candidacy. Between them the Nordics have real global reach and their generous support for aid projects and peace processes mean that many countries have genuine reasons to support a Nordic candidate. But the Nordics are not unbeatable. In 1992 New Zealand defeated Sweden in a close fight. Last year Austria defeated Iceland (although Iceland was hugely handicapped on the eve of the election when the financial crisis hit Iceland more than most and devastated its economy.)

Finland is a country with a very balanced appeal. It is an EU member but not a NATO member. Its more neutral security profile may be an asset. It certainly was for Austria in the elections in 2008. Another asset for Finland is that its bid has been out there for a long time and they have been assiduous in collecting commitments. By contrast Australia has come to the fight rather late in the piece. It is therefore much harder to get commitments as a latecomer and the existing candidates can make something of an argument that they are being usurped

The other candidate is Luxembourg. One might think that such a tiny country would be less competitive. However, they enjoy one major asset – the fact that they have never ever served on the Council. This in some ways neutralises Australia's case that it has been absent since 1984.

Luxembourg has also been extremely effective in its diplomatic campaign, getting a very large number of commitments prior to Australia joining the race. And it has a political profile that is attractive to many countries. It is a small – and therefore non-threatening EU member. It has got no past colonial entanglements and it is perceived as having navigated a cautious distance from the unpopular policies of the Bush Administration.

Australia was obviously aware when it launched the campaign after the Rudd Government came to power that it would initially be the underdog. And that is still the case. However 2012 is still a long way away and much can change. Certainly it is Australia's race to win and based on the New Zealand experience in 1992 such a race is winnable.

### **Can Australia make a Difference on the Council?**

I would therefore today like to look forward and assume Australia will be on the Council and examine whether there is a realistic prospect of Australia making a meaningful difference in a two year term.

The first point I would make it that over the past twenty years since the cold war a significant number of countries elected to the Council have managed to served with real distinction on the Council. From my own observation in 1993/94, when I was representing New Zealand on the Security Council, I saw tiny countries like Cape Verde and Djibouti make outstanding contributions. Subsequently Slovenia, Singapore and Norway are examples of countries which have demonstrated that elected members can make a real difference. Currently Costa Rica, Mexico, Turkey Vietnam and Austria are really living up to this challenge as well.

From time to time theorists (the so called “realists”) and sometimes commentators as well dismissive of the role and capacity of elected states on the Security Council. But in my experience the facts prove otherwise. I recall, not long after New Zealand had completed its two year term on the Council in the 1990s, the then US Permanent Representative to the UN, Madeleine Albright, expressing admiration at what had been achieved by New Zealand on the Council. She remarked that it was all the more admirable that this had come from a country whose total population was less than the number of people who resided within the Washington DC Beltway.

At times critics are dismissive of the role that can be played on the Council because of the veto. Indeed most discussions about the Security Council, and

especially when the subject of the P5 comes up, usually turn to the veto. And without a doubt the veto is a problem. It is no secret that countries like Australia and New Zealand vigorously opposed the veto at San Francisco in 1945.

In the end in 1945 we lost the battle over the veto because Josef Stalin needed a carrot and the UK and the US gave him the veto. But what was intended as a backstop of last resort to protect actual vital national security requirements has become a tool now which is sometimes used for minor political or even financial matters. We have even seen this at work in situations where the issue on the table was protection of civilians against genocide.

When people talk about the veto they rightly focus on these issues. However this sort of focus tends to obscure the fact that there are actually six vetoes in the Security Council. There are the five unilateral vetoes held by the P5. But there is also the democratic veto. No resolution and no paragraph of a resolution can be adopted unless it has nine affirmative votes. There are ten elected members of the Council and, accordingly, a real option exists for elected members to use the Provisional Rules of Procedure of the Council. The P5 members do not shrink from using their procedural rights, but rarely are elected members sufficiently well prepared and sufficiently confident about their positions to take advantage of their collective power. One classic example of the effectiveness of this democratic veto was demonstrated in the Council's handling of the draft resolution proposed by the US and the UK in 2003 to authorise the invasion of Iraq. In the end it was not the veto that blocked the US and UK draft resolution. The important fact was that the draft resolution was unable to attract the necessary 9 votes, so the cosponsors withdrew it and it was never put to the vote.

The veto is a problem – but it is part of the real world. It cannot be wished away. The challenge – and it is an exciting one – is creating negotiating contexts in which issues can be turned around so that it is the P5 who are seeking elected members votes not the other way round.

The Council can be made to work. And the Obama Administration has already demonstrated how. Their new approach produced a unanimous sanctions resolution imposing additional sanctions on North Korea. Their draft resolution on nuclear disarmament which was adopted at the session which president Obama chaired on 24 September is another good example.

It seems to me that for a country like Australia, the challenge of serving on the Security Council is not so much whether it has an opportunity for a legitimate and useful role, but rather how it will use the options that Security Council membership presents.

### **Options and Risks**

As always in life, in the Security Council options usually come with risks. Two years is a very short time. The Council agenda is very heavy. Issues proceed with breakneck speed. Events, both those scheduled into the forward agenda and unexpected developments tend to collide. These circumstances can heighten the risks for those who are unprepared or for the unconfident. They often lead elected Council members, both large and small, to adopt cautious risk averse postures and inflexible internal control mechanisms.

Elected members that choose this conservative option often find themselves at an impossible disadvantage. They tend to find – usually too late – that micromanagement from the capital does not work and that a risk averse posture really limits their ability to effectively participate in ongoing debate and their capacity for leading on an issue. Such countries find all too often that their people in the capital are still debating what to say when, in New York, it is either all over or the debate has moved on.

In my experience this curse afflicts larger elected Council members as much as the small. However, at times it can paralyse countries with no recent experience on the Council that have not well thought through their options.

I believe that a country like Australia has one very significant comparative advantage. Your system of government usually produces relatively easy internal consultation, and much greater openness and flexibility than many others. Knowledge and judgement are less often locked up in competitive bureaucratic silos. And, most importantly, it often also means that the relationships between the political leadership and the diplomats can be much more direct and trusting. If these assets can be brought to play a country has real options to operate in the Security Council professionally and credibly and with nimbleness and flexibility.

Diplomats and others often ask me about the knowledge deficit for elected members – particularly those with no recent Council experience and in view

of the fact that nowadays the Council is devoting so much time and energy to situations in far away places where few countries have embassies and where few if any of their diplomats or advisers have had the opportunity to visit or study.

Certainly, for most of the past 60 years, this knowledge deficit would have been a real problem for any country like Australia contemplating serving on the Security Council.

However in recent years the situation has changed. The advent of the global media organisations, the large NGOS and the appearance of new issue focused organisations has really changed the paradigm. Now, one can probably learn more about the situation in say DRC or Darfur or Liberia by building links with organisations such as Amnesty International, CARE, Human Rights Watch, World Vision and Oxfam than you could from opening an embassy in Khartoum or Kinshasa or Monrovia. And if you add to that the “on line” resources of CNN, BBC, Al Jazeera, Xinhua, Voice of Russia, Reuters and UN Relief Net, Australia will not be short of raw information. The problem becomes one of analysis. But, here again there are other important new tools. These include organisations like International Crisis Group in Brussels and my own organisation in New York, Security Council Report.

### **Activism in the Council or Passivity**

I would now like to turn to what I think is the critical option that confronts every Security Council member almost every day. That is whether to be passive or active, whether to live with the status quo or whether to try to find better newer and more principled solutions. To some extent this is also an important moral dilemma. The Security Council agenda often involves situations where soldiers and civilians are being killed, children are being enslaved as fighters and women and girls are being raped and killed. At times it involves huge catastrophes for millions of civilians and even genocide.

Sometimes elected members may sometimes be tempted to sit back and wait for one of the P5 to make a move – and then to react to that. But I suggest the real issue is how will the public at home and how will history view a two year term marked mostly by inaction. “Wait and see” can be a very seductive option. It is also the easy low risk option. But the reality is that so often the P5 members themselves often don’t have any very good ideas or

they find themselves checkmated within their own domestic bureaucracies or as between each other. And sometimes their own policies are in fact contributing to the very problem under discussion.

### **Risks to important Bilateral Relations**

The first implication of exercising the active rather than the passive option is what it may mean in terms of impact on long term bilateral interests – especially if taking an active as opposed to a passive role may lead a country into potential disagreement with an important partner or ally. Some states are so politically engaged with, or economically dependant on, large partners or allies that in practice the risks of active positions on Council issues may be too high to contemplate. In the past, for instance, this might have lead a country like Australia to conclude that it could never risk the option of disagreeing with the US in a sustained way over a major issue in the Security Council

Fortunately, however, in the post cold war era, this does not need to be the case. Nevertheless, some politicians and commentators will inevitably worry about this problem and it needs to be addressed.

It is clear, from the experience in the Security Council in 2003 over Iraq, that taking an independent and principled position – as many elected Council members did in refusing to support the invasion - can have real adverse implications for some important bilateral relationships. That was a clear and very dramatic case. But with hindsight, I am sure that now, all of the governments who opted for an independent position on the Iraq resolution in 2003, are all the more convinced that it was absolutely the right choice.

Such graphic and highly public options only arise relatively rarely. But they do happen. However, in my experience, even such highly charged cases can be managed – and managed in a way that can avoid bilateral problems. Let me give some examples from my own experience.

First, in 1994, there was a major issue in the Security Council over the proposed American intervention in Haiti. The US was determined to lead the mission and the pentagon strongly preferred the Gulf War model – a Council resolution authorising a coalition of the willing. New Zealand took the lead in arguing that Haiti was not Iraq. The 1991 Gulf War model was overkill and a more sensitive approach with a lighter footprint would avoid long term risks of the region turning against the mission politically. We argued that it



would be better to have more of a “UN footprint” and that the resolution should provide for meaningful UN oversight with prescribed reporting responsibilities and blue helmeted UN military Observers to monitor developments. Latin American countries on the Council were extremely grateful for this initiative. They very strongly agreed with the underlying political analysis and had tried, unsuccessfully, to persuade Washington of this bilaterally. But they were nervous about the political implications of raising it in the Council.

In the end the Clinton Administration accepted the political logic of what we were advocating – and in a sense just as well, because as you know, 15 years later the UN is still in Haiti but this time with universal support and in part this is because we did it well in 1994. Now Latin American countries are hugely supportive of the mission and indeed are providing the bulk of the forces.

Did strongly disagreeing with the Pentagon juggernaut on such an issue and with little active support from other Council members, damage political relationships? In short it had the opposite effect. It built real respect not least because the political logic of what we were advocating became increasingly clear but also because we had thought through the practical dimensions as well. When the Pentagon in a last ditch argument said it would not go along unless some UN military observers could deploy within a week, I could immediately promise that a group of NZ army officers would be on a plane to Florida within 48 hours.

A second example relates to the Rwanda genocide. In that case New Zealand again took the lead in insisting that the Council should recognise the genocide and authorise the military intervention that the Canadian Force Commander in Kigali, General Dallaire, was calling for. We were being opposed by the US, UK and China. In the end China and the UK came round. However, the change in US position was too late to stop the genocide and President Clinton bravely went to Kigali after the killing had subsided and apologised. What is clear for New Zealand is that taking a courageous and proactive principled position in the Security Council left no bruises to political relationships.

Bosnia was another example. It was a critical issue during our term on the Council. It led New Zealand into some quite sharp differences of opinion with the Europeans, particularly the British and French who were opposed to

use of force against the Serbian paramilitaries, notwithstanding their genocidal proclivities. For a range of reasons the major European powers generally preferred a policy of acquiescence. This was a case in which the US agreed with our activism in favour of robust military capacity to defend UN safe areas and airstrikes if necessary. However they were reluctant to advocate that in public lest they be challenged to front up with troops on the ground. So it often fell to me to carry the argument and I was able to do so credibly precisely because we had already put a significant portion of the New Zealand army into the region as peacekeepers and as a result the UK and France were always very respectful of the New Zealand position and cooperated with us as a serious stakeholder.

Finally, the Rwanda case subsequently produced a second very public difference with one of the P5 and indeed in the end with all of the P5 members. France at a certain point proposed that it send a national military intervention, which it called Operation Turquoise, and wanted the Security Council to legitimise it. New Zealand, like most Council members strongly supported a neutral UN force with a mandate to protect the genocide victims. We had presented a draft resolution to that effect. By contrast it seemed that the French operation – whatever the public rationale – would simply give cover to the perpetrators of the genocide. Events on the ground quickly showed that the New Zealand decision to oppose the French proposal was the right one. But for various, mainly bilateral, reasons ten Council members including all the P5 voted in favour. However New Zealand side pursued its opposition in a strong but professional manner and avoided any negative impact on bilateral relations.

The long term positive impacts of strong leadership on difficult issues in the Council still greatly benefits New Zealand diplomacy. And I believe that relations are also much stronger with the powerful friends who we sometimes opposed.

I would note in passing the important lesson that comes through two of these stories. Respect is all the greater if your positions are driven not only by principle and logic but also backed up with serious commitment to putting troops on the ground.

These highly public cases are rare. Today the problems mostly arise behind closed doors. With the Council operating mostly in private meetings, elected members now face the need to decide on hard options every week. It's just

that because they are not public we tend not to know about them. The fact that the issues are not public and may not be quite so high profile as say Iraq and Rwanda does not mean that they are easy. But some Council members are tempted to sit on the sidelines rather than express a position. Because most Council discussions tend to be secret, the passive “wait and see” option can be all the more seductive.

Regional desk officers in DFAT will of course have twenty reasons on every issue why it is better not to rock the boat. And it is true that rocking the boat simply for its own sake is dangerous. And grandstanding is always foolish. But there is usually in my experience fertile middle ground in which a country like Australia can exercise strong leadership. Sometimes this means that it is necessary to challenge the powerful. But I believe that a small state or a medium size state like Australia, which does its homework, which is professional and focused, which is balanced and fair minded and transparently applies the same standards to each of the P5 and all of the regional groups, which shuns grandstanding but is always unafraid to speak the truth as it sees it, will get much more respect from the P5, from friends and allies and from wider constituencies such as the NGOs, than a Council member which chooses the passive option.

I suggest that it is entirely reasonable to expect of larger friends and allies that they judge the quality of the role that you play on the Council not by whether you slavishly agree on every issue every day but rather on a broader balance sheet across the net value of a whole two year term. We found that on one day we might strongly support one major power and the next day we would disagree with them just as strongly on a different issue. The real choice is whether to be passive or whether to be active and constructive. And those who choose the latter are in the end going to be more respected and more valued as serious partners.

### **Building Networks with other Elected Members**

Being constructive as well as active also involves avoiding lonely crusades. An option which is critically important, if an active role in the Council is to be successful, is to quickly build a small set of like minded Council colleagues who will support each other. New Zealand and Argentina, for instance, forged a very close working relationship. We had a lot in common in terms of approach and underlying principles. We strategised together. We reached out to other elected members of the Council across regional groupings to states like the Czech Republic and Djibouti and built a network

within the Council of elected members who would back up each other and especially if one was opposed by a P5 member. A team approach within the elected members, and especially one which works across the established UN groupings, can be a huge element of leverage for elected states in the Council.

Team work with other like minded small or medium size states opens up a number of options. But in order to exercise those options elected Council members must be much better prepared than most currently are to address the procedural aspects of options in the Council. Many in New York are convinced that, in terms of reforming the Council, the issue of reforming its working methods is much more important – and more urgent – than expanding the membership.

### **Council Working Methods**

The issue of Council Working methods sounds obscure and boring – but that is exactly how the P5 like it. Technicality and obscurity have combined, over the years to give them a practical monopoly on how the Council organises its work. But occasionally some members are elected with the determination to shed some light on this area. Costa Rica and Mexico are currently being very active in this regard.

The P5 monopoly that previously existed is all the more bizarre when one considers that procedural decisions - the cutting edge of the working methods issue - are specifically identified in the Charter as not subject to the veto. It is an area where the majority, the ten elected members, can rightly and reasonably insist that their collective view on what to discuss; the format; the need for new working groups or committees; etc should be respected. Mastering the working methods of the Council is therefore a key to effectively taking up any of the other options that are open.

### **Conclusion**

In summary I want to leave you with the thought that a state, which is well prepared and well organised for its Council role internally, which has a political commitment to principles and to international law, which is active by inclination rather than passive and which is constructive in its initiatives can play an extremely important role in the Council. Choosing this option can deliver significant downstream benefits for a country's diplomacy. Respect and credibility earned in the Security Council are remembered for many years.

This is an age when increasingly every important activity of the state is governed more and more by international standards and international agreements. We find this in the health sector, the justice sector, the environment, in commerce and industry, in communications, transport and fisheries. So, many of the driving factors, which govern the prospects for development and growth in all of these sectors, seem to have an international and, inevitably diplomatic, dimension. We all therefore need every ounce of leverage that we can get. And a term in the Security Council – at the recognised pinnacle of global prominence - is a rare opportunity to lift the national game and perform at the global level and achieve an impact which is disproportionate to actual size. Achieving success in this environment allows a nation a unique opportunity to recharge its diplomatic capital which can be of benefit for many years to come.

The options are there. Some take them and some do not. The challenges facing the United Nations are huge. The case for taking up the options is not only one of self interest. In the end it is not only the countries but also the huge numbers of innocent civilians right across the globe that stand to lose the most if the Security Council fails to deliver. We all therefore have a very large stake in the success of the United Nations and its work in support of international peace and security, the rule of law, development and good governance. So it is very important that countries standing for election to the Security Council weigh up very carefully the way they will pursue these options.