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UN SECURITY COUNCIL ELECTIONS 2009

TABLE OF CONTENTS

1. Introduction	1
2. The Seats	2
2.1 The African Seats.....	2
2.2 The Asian Seat	2
2.3 The Eastern European Seat	3
2.4 The GRULAC Seat	3
3. Possible Issues Involving New Members during 2010-2011	3
3.1 Elected Members on the Council's Agenda.....	3
3.2 Internal Governance Issues Affecting Participation in the Council	4
3.3 The Effects of a Clean Slate Election	4
3.4 The Council Reform Factor	5
4. Established Practices in Regional Groupings	5
4.1 African Group	5
4.2 Asian Group	6
4.3 Arab Swing Seat	7
4.4 Eastern European Group	7
4.5 Western European and Others Group	8
4.6 Latin American and Caribbean Group	8
5. Established Practices in Becoming a Candidate	9
6. UN Documents	10
7. Useful Additional Sources.....	10
Annex 1: Rules and Process for Election to the Council: Relevant Charter Provisions and Rules of Procedure	10
Annex 2: Historical Background....	11

1. Introduction

The General Assembly is expected to hold elections on 15 October for five of the ten seats on the Security Council which are available for elected members serving two-year terms. The five seats available for election in 2009 will be distributed regionally as follows:

- two seats for Africa (currently held by Burkina Faso and Libya)
- one seat for Asia (currently held by Viet Nam);
- one seat for Eastern Europe (currently held by Croatia); and
- one seat for the Group of Latin American and Caribbean States (GRULAC), (currently held by Costa Rica).

The five new members elected this year will take up their seats on 1 January and will serve on the Security Council for the period 2010-2011.

At this time it appears that all five candidates will enjoy “clean slate” elections (i.e. they do not have any competing candidates). This is the first time since 2004 that there has been an election to the Security Council with absolutely no contested seats.

Nigeria and Gabon have been endorsed by the AU as the two candidates for the African seats. Nigeria was also endorsed by the Economic Community of West African States (ECOWAS) in June 2009. Nigeria has had three terms in the Council, in 1966-1967, 1978-1979 and 1994-1995. Gabon has been on the Council twice, in 1978-1979 and 1998-1999.

Lebanon is the Asian Group candidate and won regional endorsement in 2008 from the Asian Group. Lebanon, which was a founding member of the UN, was last on the Council in 1953-1954.

Bosnia and Herzegovina is the candidate for the Eastern European seat. Poland had previously also been a candidate for the Eastern European seat but withdrew in October 2008. Bosnia and Herzegovina has never been on the Council, although as part of Yugoslavia it was previously represented on the Council four times (1950-1951, 1956, 1972-1973 and 1988-1989).

Brazil is the candidate for the GRULAC seat. It was endorsed by the Group in February 2009. Brazil is one of the founding members of the UN and was part of the first group of elected Council members in 1946. Since then it has served on the Council nine times, most recently in 2004-2005.

Although all five candidates have won regional endorsement and are therefore, in practice, assured of being elected by the General Assembly, a formal election with secret ballots is still required. (This is because these are elections to a principal organ of the UN and formal balloting is required for principal organs even though the candidates have been endorsed by their regional groups.) General Assembly decision 34/401, paragraph 16, which allows the Assembly to dispense with elections where there is a “clean slate” from a regional group, applies only to subsidiary organs and therefore does

not apply to Security Council elections.) All five candidates will therefore need to secure two-thirds of the 192-member General Assembly, a minimum of 128 votes if all members are present and voting.

If no new candidates emerge at the last minute the ten elected members of the 2010 Security Council will be as follows: Austria, Bosnia and Herzegovina, Brazil, Gabon, Japan, Lebanon, Mexico, Nigeria, Turkey and Uganda.

The table below illustrates the number of seats available to the different regions in the election, the declared candidates and their previous experience on the Council.

2. The Seats

2.1 The African Seats

The Africa Group maintains an established pattern of rotation between its various subregions. In 2009 the rotation means that the two available seats for Africa should rotate to Central Africa and Western Africa.

Originally both Gabon and the Democratic Republic of the Congo (DRC) seemed interested in the Central African seat. However, in mid-2009 the

DRC withdrew in favour of Gabon. Among the issues Gabon is likely to focus on when on the Council are peace and security in Central Africa; small arms trafficking and women and children in conflict.

Gabon currently contributes two personnel to UN peacekeeping, one to the UN Mission in the Central African Republic and Chad (MINURCAT) and one to the UN Mission in Sudan (UNMIS). It has also been involved in African peacekeeping operations such as the 2002 Economic and Monetary Community of Central African States peacekeeping force in the Central African Republic. Gabon has also played a mediation role in a number of African conflicts, currently including the Central African Republic and previously in Congo, Burundi and Chad.

For the West African seat, at one point it looked possible that there might be a three-way race with Nigeria, Sierra Leone and Togo all showing interest in the seat. But, Sierra Leone and Togo had agreed by the AU Summit in Sirte in June 2009 to defer their bids and the AU Executive Council endorsed Nigeria. Nigeria was also endorsed by ECOWAS on 22 June 2009 and by the Organisation of the Islamic Conference (OIC) in May 2009.

Nigeria registered its interest in running for the Western African seat in May 2008. It has successfully run three times since 1965. It has had one clean slate election (in 1965) but the other two were contested. In 1977 it took five rounds before Nigeria prevailed against Niger. In 1993 it went head-to-head with Guinea-Bissau. (Guinea-Bissau withdrew after four rounds against Nigeria but made a successful bid when the Western African seat came up again in 1995.) In 1962 Nigeria ran against Morocco and lost.

Nigeria is a major contributor to peacekeeping. It ranks fourth among the 116 UN troop and police-contributing countries. Since 1960, Nigerian peacekeepers have participated in about twenty peacekeeping missions and played an active role in African peacekeeping. Nigeria is likely to take a keen interest in the ongoing review of peacekeeping being undertaken by the Council. It has in past debates voiced support for peacekeeping reforms that are anchored in concrete actions and highlighted the need to address gaps in mandate, exit strategies and the relationship between troop contributing-countries, the Secretariat and the Council.

2.2 The Asian Seat

In 1997 Lebanon obtained the endorsement of the Arab League as its candidate for the 2009 election. In 2008 it was endorsed by the Asian Group. Lebanon's first attempt at a Council seat was in 1950 when it faced 14 rounds against Turkey before finally withdrawing. Lebanon then won a seat on the Council in 1952 in a clean slate election.

Among the broad areas of interest for Lebanon as a Council member is the fight against terrorism and disarmament (particularly a nuclear-free Middle East).

Lebanon is not a contributor to any UN peacekeeping mission but now has

Region	Available Seats in the 2009 Election	States Running	Years Served on the Council
Africa	2	Nigeria	Three terms comprising six years (1966-1967, 1978-1979, 1994-1995)
		Gabon	Two terms comprising four years (1978-1979, 1998-1999)
Asia	1	Lebanon	One term comprising two years (1953-1954)
Eastern Europe	1	Bosnia and Herzegovina	has never served
Latin America & Caribbean	1	Brazil	Nine terms comprising 18 years (1946-1947, 1951-1952, 1954-1955, 1963-1964, 1967-1968, 1988-1989, 1993-1994, 1998-1999, 2004-2005)

long experience as a host country for UN peacekeeping. The UN Interim Force in Lebanon (UNIFIL) has now been in place for thirty years.

2.3 The Eastern European Seat

Originally both Bosnia and Herzegovina and Poland were candidates for the Eastern European seat. Poland dropped out in early 2008, paving the way for a clean slate election for this seat. Bosnia and Herzegovina was endorsed by the Eastern European Group on 28 January 2009. The OIC supported Bosnia and Herzegovina's candidacy in May 2009 at its foreign ministers meeting in Damascus.

Bosnia and Herzegovina has never served on the Council, although the former Yugoslavia, which it was part of, was on the Council from 1950-51, 1956 (split term with the Philippines), 1972-1973 and 1988-1989. Bosnia and Herzegovina, which became a UN member state in 1992, will succeed Croatia as the Eastern European member on the Council. Slovenia was the first former Yugoslavian country to successfully run for a non-permanent seat in 1997, just five years after joining the UN.

During its time on the Council Bosnia and Herzegovina hopes that its experience in post-conflict stability building, as well as building state institutions and capacity, will be of collective benefit.

As of April this year Bosnia and Herzegovina was involved in four UN peacekeeping missions (UNMIL, UNMIS, MONUC and UNFICYP), supplying about 26 personnel altogether. It is also involved in Afghanistan as part of the EU Force (EUFOR) mission.

2.4 The GRULAC Seat

Brazil was endorsed on 2 November 2007 by the Community of Portuguese Language Countries and by GRULAC on 27 February 2009.

This is the tenth time Brazil is running for election, giving it 18 years of experience on the Council. (The only other elected member state which has had more years on the Council than Brazil is Japan, which counting 2009, has accumulated 19 years of experience.) Brazil has never been opposed in a Council election. It was a regular presence on the Council in the first forty years of the Council's existence, running five times between 1945 and 1966. Then there was a twenty year gap, when Brazil was under military dictatorship, before it came on the Council again. Since 1988 it has been an elected member four times, most recently for the 2004-2005 term. It appears to have a policy of running about every four to six years.

Brazil has had a long history in UN peacekeeping operations. It was part of the peacekeeping force that was dispatched in 1956 to the Suez Canal. In 1994 Brazil was part of the observer force that guaranteed the October 1994 elections in Mozambique, and in 1995 it joined the UN force in Bosnia. More recently it has played a key role in the UN Stabilization Mission in Haiti (MINUSTAH) where it currently leads the military component. Overall, Brazil is presently involved in eight UN peacekeeping missions and is ranked 20th among UN troop contributors supplying 1,342 personnel.

Brazil is expected to focus on a number of country specific situations including Guinea-Bissau, a country for which it now chairs the Peacebuilding Commission's country-specific configuration; Haiti where it has the most forces in MINUSTAH and is involved in the Group of Friends of Haiti; and Timor-Leste where it has strong bilateral and language ties. It has also indicated interest in issues related to the Middle East particularly Israel-Palestine relations, and Africa. Among the thematic

issues that may be a focus are peace and security and post-conflict issues.

3. Possible Issues Involving New Members during 2010-2011

The election of some of the group of new members to the Council may give rise to some interesting and complex issues in the coming two years.

3.1 Elected Members on the Council's Agenda

A possible procedural issue that could come up in 2010-2011 arises from the fact that both Bosnia and Herzegovina and Lebanon are themselves issues on the Council's formal agenda. The UN Charter foresaw the possibility of conflicts of interest arising as a result of membership of the Council and it established a rule that members directly involved in an issue should abstain. This is often referred to as "obligatory abstention" and is set out in article 27 (3) which provides as follows:

Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to the dispute shall abstain from voting.

From a strictly legal perspective various questions could arise, including:

- whether the Council is dealing with a dispute (and whether that makes a difference);
- how to decide whether a member of the Council is a "party" to the dispute; and
- whether the matter before the Council is being dealt with under Chapter VI or VII of the UN Charter.

But beyond this strictly legal dimension there is also a wider political question

of how a Council member handles its participation in decisions which are sensitive because they relate directly to its national interests.

Council members will recall the case of Rwanda which was elected to the Council in 1993 while also on the agenda and the problems that arose in 1994 during the genocide when Rwanda continued to participate in decision making much to the concern of many Council members who lamented their failure to address the implications of that in advance of the crisis.

Historically, Council members were more conscious of the implications of article 27(3).

- In 1947 the UK abstained from voting on the Corfu Channel question in reference to whether a subcommittee should be appointed to report on the facts and on referring the dispute to the International Court of Justice. In the same year it abstained from voting when the Council considered the question of the presence of UK troops in Egypt and Sudan being an infringement of Egypt's sovereignty and contrary to the UN Charter.
- In 1950-51, India, an elected member at the time, abstained on three resolutions related to India-Pakistan on the question of Kashmir and Jammu.
- Argentina, an elected member in 1960, did not participate in a vote on whether Israel's capture of Adolf Eichmann from Argentine territory was a violation of sovereignty rights.

Of course, it is possible that the Council will not have to address these issues directly. Recently it seems that the preference has been to approach the "conflict of interest" rule (in Article 27(3)) informally rather than openly. It was notable, for instance, that in June 2009 Turkey, which was president of the Council that month, requested that the issue of the renewal of the UN Peace-

keeping Force in Cyprus be moved to the previous month so that it would not be seen to be presiding over the discussion. By quietly and informally taking the initiative in this regard Turkey avoided any sensitive discussion of a procedural practice.

It remains to be seen how Bosnia and Herzegovina and Lebanon will play these issues. However, given the direct Council involvement with both countries, there is some possibility of discussion over whether or not obligatory abstention is appropriate.

3.2 Internal Governance Issues Affecting Participation in the Council

It is perhaps important to note that situations can arise where problems in domestic governments make it difficult, inappropriate or impossible for a member to participate in an organ to which it is elected.

There is no reason to assume that this will be the case in 2010-2011 but some possible risks could be noted.

- At the time of writing Lebanon was still trying to form a new government following elections on 7 June 2009 and previously there was a very long period during which the country was without a president.
- Over the last year there has been a sharp increase in internal challenges to the sovereignty and constitutional order in Bosnia and Herzegovina. Leading political parties are finding it increasingly difficult to agree on the working of the basic political structure for Bosnia and Herzegovina. The Office of the High Representative is still in operation and is not expected to shut down until Bosnia and Herzegovina fulfills the conditions set for it by the Peace Implementation Council Steering Board (set up by the Dayton Accords).

Again, there is no reason for assuming that serious problems will arise. But there are precedents for dealing with the consequences of a Council member being effectively without a workable government. From 14 July to 7 September 1994 Rwanda, although an elected member, did not sit in the Council. Council members prevailed on the sitting ambassador to absent his delegation on the basis that it was unclear who was entitled to represent the country. During this period the Council adopted statements and at least four resolutions with only 14 members.

3.3 The Effects of a Clean Slate Election

There has never been an election where all five available seats were contested. There has always been one or more "clean slate". On the other hand history also shows that pure clean slate elections are also not the norm. There have been periods when the Council elections have been largely uncontested. Most recently from 2002-2004 there were full clean slates, i.e. five candidates for the five seats. Similarly from 1989 to 1991 and then in 1994 Council elections were non-competitive. The longest period of non-competitive elections appears to have taken place following the reorganisation of the electoral groups in 1963. For almost ten years from 1965 to 1974 the number of candidates equaled the number of seats allocated to each region every year. This was followed by a period of highly competitive elections from the mid-1970s to the mid-1980s.

Some observers argue that clean slate elections do not give the larger UN body a real choice and that they undermine article 23 of the UN Charter which establishes criteria for elections based on contribution to international peace and security and to equitable geographical distribution. Eliminating competition by rotation or other similar

practices is seen as meaning that there is no real scrutiny of the candidates. The practice of regional endorsements and “rubber stamping” was one of the criticisms leveled at the Human Rights Commission, which was replaced by the Human Rights Council in 2006.

Other observers have argued non-competitive elections result in more complacent and less invigorated Council members. It is true that competitive elections require very active campaigning, stimulating candidates to clearly define their priorities early and to better resource their UN related capacity in their governments. Moreover, the substantive work done during the campaign period is an advantage in helping new members when they become a Council member. Furthermore, in some electoral cycles in the past, candidates have made specific commitments to the membership at large (for example, candidates pledged to regularly brief their non-Council colleagues about developments in closed meetings of the Council). A clean slate eliminates that feature.

However, it is also a fact that some regional groups have consistently preferred clean slate candidates because of a desire to avoid enhancing regional divisiveness and other tensions. Also some groups see political value in taking their own decisions their own way rather than exposing decisions to the wider international community. Some see political risks in long drawn-out elections, as well as diversion of scarce financial resources. Moreover, a system of rotation can encourage members who might not otherwise compete because of the lack of capacity to campaign or not wanting to risk the embarrassment associated with losing.

It also has to be acknowledged that there are cases where an uncontested election has produced very effective Council members. When a candidate

does not have to spend time and money on campaigning and knows that they will be on the Council, this leaves space for energetic candidates to start preparations for being on the Council much earlier. Intensely competitive elections have resulted in a deadlocked situation where a third candidate, which is given very little time to prepare, is brought in, as happened in 2006.

It is noted, however, that clean slates can lead to a situation where regional groups rather than the General Assembly become the key determinant in selecting the elected composition of the Council.

3.4 The Council Reform Factor

A very interesting feature of the 2010 composition of the Council will be that three countries strongly interested in Security Council expansion, Japan, Brazil and Nigeria, will be serving on the Council together. All three have asserted bids to become permanent members in an expanded Security Council. Japan and Brazil are part of the Group of Four (G4) formed in 2004 to push for expansion of the Council. Moreover, the other two G4 members, India and Germany, are both running for seats in the 2010 election for the 2011-2012 term. (At the moment these are not clean slate seats with India and Kazakhstan vying for the Asian seat and Germany, Canada and Portugal in competition for two Western European and Others Group (WEOG) seats.)

It remains to be seen whether having Japan, Brazil and Nigeria on the Council for the next few years will result in a particularly active dynamic.

4. Established Practices in Regional Groupings

Since 1963 the regional groups for the purposes of elections to the Security Council are governed by a formula set out in General Assembly resolution

1991 A(XVIII). Under that resolution the seats available to the African and Asian states were combined. However, in reality the candidates for elections for the African and Asian seats operate separately and this *Special Research Report* follows that customary practice.

The UN Charter provides that non-permanent members would be elected according to equitable, geographic distribution. It does not stipulate how that should be achieved. Nevertheless, the idea of equitable geographic distribution gave rise to electoral groups being established as a vehicle for achieving that goal. The regional groups, as they now operate, are as follows:

African Group	53 members
Asian Group	53 members
Eastern European Group	23 members
GRULAC	33 members
WEOG	28 members

(Currently only Kiribati does not participate in any regional grouping within the UN.) The US is not a member of any group but attends meetings of WEOG as an observer and is considered a member of this group for electoral purposes. Israel, which was without any group for many years, was given temporary membership in WEOG in May 2000, which is subject to renewal every four years. In 2005 Israel announced that it plans to run for a seat on the Council under WEOG in 2018.

4.1 African Group

Some of the groups have informal understandings regarding the pattern of elections. In general these are not codified into actual rules. However, the African Group is an exception to this. It adopted the Rules of Procedure of the AU Ministerial Committee on Candidates to the International System for the selection of candidates. As a result, subregional groups within the African

Group tend to follow a disciplined rotation system. Theoretically, under this system every country in Africa could hope to eventually get a turn to be a candidate for a seat on the Council.

Of the 53 members of the African Group only 11 have never been a member of the Council. The rotation follows a systematic cycle based on the following principle:

- North Africa (six states) and Central Africa (nine states) rotate one seat every two years;
- Western Africa (15 states) has one seat every two years; and
- Eastern Africa (13 states) and Southern Africa (ten states) rotate one seat every two years.

However, the picture becomes complicated at times because countries within a subregional group can change their affiliation. Also, some countries that can claim to straddle more than one geographic region have at times indeed chosen to shift from one subgroup to another.

While in theory under the African Group rotation system the nine members of the Central Africa subgroup could all have a turn in the Council over a 52-year period, in practice other factors tend to override this established practice. In fact, from the evidence of the last few years it appears to be common for challengers to emerge within the same subregional grouping upsetting the order.

- In 2007 Mauritania put in a contested bid even after the AU had endorsed Libya for the North African seat but eventually withdrew about a month ahead of the election.
- In 2008 Uganda had been the expected candidate for the East Africa seat but Madagascar, which also comes under East Africa for electoral purposes, initially chose to contest the election as well.
- In 2009 the West Africa seat had three contenders, Nigeria, Sierra Leone

and Togo, while the Central Africa seat had two contenders Gabon, and the DRC.

As illustrated above, candidates are often persuaded to drop out to avoid a competitive election. This is what appears to have happened this year with Sierra Leone and Togo dropping out in favour of Nigeria and the DRC stepping aside for Gabon. But there are some occasions when challengers persist and continue all the way through the election. Since 1966, when the current regional groupings were established, there have been four competitive elections for the African seats. Nigeria prevailed over Niger after five rounds in 1977. It also challenged Guinea-Bissau in 1993 and won. In 1985 Ghana and Liberia went to four rounds before Ghana won. Another example was when Sudan lost to Mauritius in 2000. In a letter to the president of the General Assembly (A/55/463) objections were raised to Sudan's candidature on both the grounds that it had not followed the proper procedures in notifying the Organisation for African Unity (OAU, which was the AU's predecessor organisation) and that it was under UN Security Council sanctions. The OAU summit did not endorse any candidate that year.

Also, in practice within a subgroup some countries may choose to run more often, while others are not ready to run at all. In the Central Africa group the seat has generally rotated among four main countries: Cameroon, Congo, the DRC and Gabon. Between 1965 and 2007 for the West Africa seat four countries—Senegal, Guinea, Benin and Ghana—served on the Council twice, and Nigeria three times.

The process for selecting a candidate in the African Group has a defined path. First, the subregional groups select their candidates whose names will be forwarded to the African Group of

ambassadors for endorsement. The ambassadors submit the names of the candidates to the Committee on Candidatures of the African Group in New York which then transmits the names to the AU's Ministerial Committee on Candidatures of the AU which follows its written Rules of Procedure in selecting candidates. (The African Group and the AU are made up of the same members with the exception of Morocco which is not a part of the AU.)

Regional organisations, such as the ECOWAS, may add their endorsement before the list goes to the AU ministers. A final decision is then taken by the Executive Committee, made up of the AU leaders, during AU summit meetings. In spite of having these written Rules of Procedure for candidate selection, candidates have in the past submitted their candidature directly to the AU Ministerial Committee on Candidatures bypassing the process in New York.

The practice of rotation tends to favour clean slate elections. However, there are times when mechanistic application results in candidates being elected that would have struggled in a contested election and adds little to resolving problems. Rwanda's election in 1993 is an example. However, a regional group may choose to persuade a candidate to defer its candidacy as the Africa Group did with Libya in 1995 and 2003. An emerging factor is the growing desire by the larger countries which have played a major role in contributing to peacekeeping, such as Nigeria, to be elected more often than strict adherence to rotation would allow. It remains to be seen how this will play out in the future, but it appears that smaller countries often give way to a larger regional power as happened this year with Nigeria.

4.2 Asian Group

In the Asian Group, there are no formally established rotation practices of general

application. While it has the same number of countries as the African Group, the Asian Group's wide geographic span—covering the Middle East, North-east Asia and Southeast Asia—has led to a much looser regional grouping.

The Asian group as a whole generally only endorses a year ahead if there is a clean slate. However, subgroups such as the ten Southeast Asian countries or the Arab subgroup which has 21 members may choose to endorse a candidate earlier. The Arab League, for example, endorsed Lebanon in 1997.

Still some informal patterns have emerged. Until the mid-1990s there was an almost continuous South Asian presence on the Council with India, Pakistan, Nepal and Bangladesh regularly occupying seats on the Council. These countries do not appear to have a policy of not running against each other. In 1975 India and Pakistan fought for the same seat going to eight rounds with Pakistan finally winning. India and Pakistan also overlapped for a year in 1984. However, since 1992 India has not been on the Council. It ran in 1996 but lost to Japan. It has announced that it plans to run in the 2010 election. Pakistan is a candidate (together with the Kyrgyz Republic and Fiji) for the 2011 election so it is possible that both India and Pakistan could be on the Council in 2012.

Japan also has had a regular presence on the Council from 1966 onwards. By the end of 2010, when its current term ends it, Japan would have accumulated a record twenty years on the Council. The lack of a formal rotation system has meant that there is more often competition for the Asian seat regardless of whether a candidate declares itself far in advance. Larger countries like Japan tend to declare their candidacy much closer to the election year while smaller countries are more likely to announce their decision to run many years ahead

of time. For example, Kazakhstan which is running for the first time put in its bid in 1997, thirteen years in advance of the election in 2010. India, which is now Kazakhstan's competitor, announced only in 2007 that it would run for the same period on the Council.

Although there is no policy of the Association of Southeast Asian Nations (ASEAN) fielding regular candidates, there has been a regular ASEAN presence in the Council, particularly since 1999. In the last ten years Malaysia, Singapore, the Philippines, Indonesia and Viet Nam have all occupied seats on the Council almost back-to-back. In 2008, for the first time, two ASEAN countries, Viet Nam and Indonesia, were on the Council at the same time. However, given that Thailand, which had initially declared its intention to run in 2010, has now said that it will run in 2016, and the next known ASEAN candidates are Cambodia in 2012 and Malaysia in 2014, it appears that there will be a few years with no ASEAN member after Viet Nam leaves the Council at the end of 2009.

4.3 Arab Swing Seat

There is an established practice that spans the Asian and African Groups. As discussed in Annex 2, General Assembly resolution 1991 A(XVIII) provided five seats for "Asia and Africa". In practice the seats have been divided into three seats for Africa and two for Asia. In 1967, after Jordan ended its two-year term in what had been the Middle East seat before the current regional groupings were established, there was a year with no Arab state on the Council. It appears that there was an informal agreement, although there seem to be no known records, that one seat would be reserved for an Arab state and that Asia and Africa would take turns every two years to provide a suitable candidate. As a result this seat is often called the Arab swing seat. Since 1968 the

Arab candidate from the African Group has generally come from North Africa except for when Sudan occupied the seat from 1972 to 1973.

The Asian Group works on the informal understanding that it will field a suitable Arab candidate, coming from within the 21-member Arab subgroup every four years. Although this is an informal agreement between the Asian and African Groups, since 1968 this practice has worked so that a seat has been continuously occupied by an Arab country. The eleven elections since 1966 have been a clean slate and have been occupied by nine Arab countries from Asia, with Jordan and Syria having had two rounds on the Council. In 2013 Saudi Arabia is the only candidate for the Asian Group's Arab seat.

4.4 Eastern European Group

The Eastern European Group is the smallest group, consisting of 23 states. But it is the group that has increased the most in recent years, with fifteen new members since 1991. Only ten of the 23 members have ever served on the Council. (This number does not include Czechoslovakia and Yugoslavia which have both served in the past or Russia which is part of this group.) The Eastern European seat was one of the original seats mentioned in 1946 by the permanent members' "gentlemen's agreement" on the geographic distribution of elected seats (please see Annex 2 for more details). Subsequently, the meaning of that agreement was contested for twenty years with the Soviet Union and the West vying to place their preferred candidates in this seat. It also became a hotly contested seat among new member states that did not have a clear regional grouping, for example the Philippines in 1955 when there was no Asian seat. Although Turkey runs now as a member of WEOG, in 1961 it occupied the Eastern European seat on the

Council. As a result of the competition over this seat, until 1960 Poland and the Ukraine were the only true Eastern European countries elected.

The Eastern European Group grew significantly in the aftermath of the Cold War, with the split of Yugoslavia into six countries (Bosnia and Herzegovina, Croatia, Slovenia, Macedonia, Serbia and Montenegro), the break-up of Czechoslovakia, and the Soviet Union's splitting into 15 states of which seven now belong to the Eastern European Group. It also has the newest UN member, Montenegro, admitted to the UN in 2006.

Although the Eastern European seat this year is a clean slate, since 1990 six out of nine elections have been contested:

- 2007 - Croatia and the Czech Republic
- 2001 - Bulgaria and Belarus
- 1999 - Ukraine and Slovakia
- 1997 - Slovenia and the former Yugoslav Republic of Macedonia
- 1995 - Poland and Albania
- 1993 - Czech Republic and Belarus

Looking ahead, the 2011 election currently has four candidates: Armenia, Azerbaijan, Slovenia and Hungary. The 2013 has two candidates: Lithuania and Georgia. Having a clean slate, as in 2009, is an unusual practice for the Eastern European Group.

4.5 Western European and Others Group

WEOG, with 28 members, is the second smallest regional grouping. Its members share broadly similar levels of economic development and political values but it is quite diverse geographically. The group comprises Western Europe plus the "Others". This latter subgroup is made up of three members of what was previously called the British Commonwealth Group. The British Commonwealth Group grew

rapidly in the late 1950s as states from Africa and Asia became independent. Most of these newly independent states eventually moved to the Asian and African Groups and to GRULAC. Canada, Australia and New Zealand became "the Others" in WEOG.

WEOG practices what might be called an open market system for allocation of seats, which produces a regular pattern of contested candidatures. Eight members of the group—Andorra, Iceland, Israel, Liechtenstein, Luxembourg, Monaco, San Marino and Switzerland—have never served on the Council. Some members like Italy and Canada have served six times.

There are several loose subgroups within WEOG: the Nordics (Denmark, Finland, Iceland, Norway and Sweden), Benelux (Belgium, Luxembourg and the Netherlands) and CANZ (Canada, Australia and New Zealand). There are informal understandings within these subgroups which have helped members to campaign for each other—this is particularly the case with the Nordic and CANZ countries.

Since the creation of WEOG in the mid-1960s until 2001, the longest period without a CANZ country on the Council was four years. However, since 2001 there has been an eight year period with no representation from these three countries. This is likely to change in the next few years as Canada will run in 2010, Australia in 2012 and New Zealand in 2014.

The Nordic subgroup has a clearly established practice of fielding an agreed Nordic candidate once every four years. (Denmark, Finland, Sweden and Norway have regularly been elected to the Council but in the past Iceland did not seek to serve on it.) The Nordic countries campaign collectively as seen in the September 2007 joint

letter sent by the Nordic foreign ministers asking UN members to support Iceland's candidacy for the 2008 election. The Nordic candidates have been a regular presence since 1949, but as a result of Iceland losing the election in 2008 there will be a longer period on the Council without a member from the Nordic countries. Denmark, last Nordic subgroup member, left in 2006 and the next candidate, Finland, will run in 2012. There was a similar gap between 1990 and 1997 as a result of Sweden losing to New Zealand in 1992.

In the past it seems that there were some loose understandings between the subgroups which sometimes enabled them to avoid competition for the same seat. At the start of the modern geographical distribution of seats in the mid-1960s WEOG had a tendency towards clean slate elections. From 1966 to 1977 there were two candidates for the two seats available for every election. Since 1978 there have been nine competitive elections and six clean slate elections. Some wondered whether the 2006 elections, which brought Belgium and Italy onto the Council in an uncontested vote, might see a return to a pattern of clean slate elections. However, last year's tight race between Turkey, Iceland and Austria and the fact that the next two WEOG elections are likely to be contested (Germany, Canada and Portugal are candidates in 2010 and Australia, Finland and Luxembourg in 2012) suggests that WEOG is likely to remain highly competitive again for the immediate future.

4.6 Latin American and Caribbean Group

After the expansion of the Council in 1963 and following the reorganisation of the electoral groups in resolution 1991 A(XVIII), the Latin American Group took in the Caribbean states (which

included several members of the Commonwealth) and became the Group of Latin American and Caribbean states.

GRULAC has no formal rules regarding rotation. For much of the last sixty years Latin American countries have tended to dominate. Historically, the group was often able to reach consensus on clean slates. There have only been five contested elections over the years. Colombia had at one point expressed interest in running for the 2010-2011 seat. However, when Brazil emerged as a competitor in the 2009 elections the two countries managed to work out an arrangement and Colombia will now run for the 2011-2012 seat. However, the Group has produced some of the most protracted and bitterly contested voting sessions in UN history. In 1979 the contest between Cuba and Colombia went to 155 rounds before Mexico was elected as a compromise candidate. The following year, Cuba again tried for a seat but withdrew when it looked like it would face another long battle, this time with Costa Rica. The election, however, still had 22 inconclusive ballots with Guyana and Nicaragua, neither of which were official candidates, getting enough votes to stop Costa Rica from obtaining the required two-thirds. Finally Panama, which also began getting votes although it too was not a candidate, decided to formally become a candidate and was elected to the Council on the 23rd ballot. Reports indicate that Cuba mobilised enough votes to keep Costa Rica from winning.

In 2006 there was a bitter contest between Guatemala and Venezuela which went to 48 rounds with Panama coming in as the compromise candidate after more than two weeks of voting. (Guatemala is now a candidate for the 2011 elections.)

The 2006 election, with the deadlock between Guatemala and Venezuela,

highlighted the role of regional groups in resolving such deadlocks. GRULAC became actively involved in finding a compromise candidate and in persuading Venezuela and Guatemala to step down. The process took some time as there were no clear protocols within GRULAC for how to handle this sort of situation.

The difficulty presented by that deadlocked election appears to have left its mark on the Latin American countries. A practice of a more coordinated system of candidature appears to be emerging in order to help avoid future problems. There is an emerging sense that there should only be one candidate running each year and that if there is competition candidates should work out a compromise ahead of the elections. At the moment, between this year when Brazil is the only candidate and 2017, which is the farthest in the future for the list of Latin American candidates which have declared they will run, there is only one Latin American candidate on the list for each election. However, if GRULAC wants to avoid competitive elections it will also need to devise a system that takes into account Caribbean countries that wish to run. Another issue that may need to be addressed is the growing interest by the bigger countries like Brazil, Mexico and Argentina in running more regularly. Argentina for example, which was on the Council in 2005-2006 will run again in 2012.

5. Established Practices in Becoming a Candidate

With the exception of the African Group, which has a more codified process, most candidates follow a fairly standard path in announcing and pursuing their candidacy for the Council.

If the country is a member of a subregional group like the Nordic Group within WEOG or ASEAN within the Asian Group it will inform members of its subregional group of its intention to run and seek their support. The endorsement of the subregional grouping then becomes an important factor in the second step.

The second step is to write formally to inform the monthly chair of the regional group of the country's intention to stand for election. This is then incorporated by the chair in the group's UN candidacy chart which is maintained by each regional group and renewed at monthly group meetings.

At this point most candidates prepare a circular note to all missions in New York informing them of the candidacy.

As the year for the relevant election approaches, if there are no other candidates running for the seat in question, the regional group may decide to give its endorsement and closer to the time of the election the chair of the group will inform the president of the General Assembly of the clean slate. This year all four regional groups informed the General Assembly that they had endorsed candidates for all the seats.

Although there is nothing in the General Assembly's Rules of Procedure specifying that this should be done, most candidates also send a note to the Secretariat or the president of the General Assembly announcing the country's candidature for a particular year. If the country has been endorsed by its regional group it is likely to provide that information. This becomes a guide to help the Secretariat prepare the relevant documentation for the election process.

6. UN Documents

Selected General Assembly Documents

- A/62/915 (31 July 2008) was the draft programme of the plenary for the 63rd General Assembly.
- A/62/PV.26 (16 October 2007) was the plenary record of the 2007 elections of non-permanent members.
- A/59/881 (20 July 2005) was a note verbale from Costa Rica containing information on elections from 1946 to 2004.
- A/55/463 (9 October 2000) was the letter from Uganda on Sudan's candidature.
- A/RES 1991 A(XVIII) (17 December 1963) was the resolution adopting amendments to the Charter on the composition of the Council and establishing the allocation of seats to various regions.
- GAOR 1st Session, Part 1, 14th Plenary Session and Part II (12 January 1946) was the first election of non-permanent members.

Other

- UN Charter
- A/520/Rev.15 and amendment 1 and 2 are the Rules of Procedure of the General Assembly including amendments and additions.
- Repertoire of Practice of the United Nations Organs, Supplement 6, Volume III on Article 23

7. Useful Additional Sources

- *The Oxford Handbook on the United Nations*, edited by Thomas G. Weiss and Sam Daws, Oxford University Press, 2007
- *Reforming the United Nations: Lessons from a History in Progress*, Edward

Luck, International Relations Studies and the United Nations Occasional Papers, 2003, No.1

- *The Charter of the United Nations, A Commentary*, Second Edition, Volume II, Edited by Bruno Simma, et al. Oxford University Press, 2002
- *Eyes on the Prize: The Quest for Non-permanent Seats on the UN Security Council*, David Malone, Global Governance, vol. 6, no.1, January-March 2000
- *What is Equitable Geographic Representation in the Twenty-First Century* edited by Ramesh Thakur, International Peace Academy, Seminar Report, 26 March 1999
- *The Procedure of the UN Security Council*, Sydney Bailey and Sam Daws, Chapter 3, Clarendon Press, Oxford, 1998
- *The Once and Future Security Council*, edited by Bruce Russett, St Martin's Press, 1997
- *A History of the United Nations Charter*, Ruth Russell, The Brookings Institute, 1958
- *Politics and Change in the Security Council*, International Organisation, Vol. 14, No.3, Summer 1960, pp.381-401
- See <http://www.un.org/Depts/dpa/repertoire/> for analysis of the question of equitable geographical distribution under article 23.
- See <http://www.africa-union.org/root/au/Conferences/Summits/summit.htm> for a list of AU summit decisions
- *Elected Members of the Security Council: 1946-Present*, Global Policy Forum, www.globalpolicy.org/security/membership
- *United Nations Handbook 2008-2009* published by the New Zealand Ministry of Foreign Affairs and Trade.
- Rules of Procedure of the AU Ministerial Committee on Candidatures within the International System, Doc. EX/CL/213 (VIII)

Annex 1: Rules and Process for Election to the Council: Relevant Charter Provisions and Rules of Procedure

Charter Provisions on Election to the Council

The UN Charter, in article 23, specifies the number of non-permanent members to be elected:

The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council...

It also stipulates the length of their term:

The non-permanent members...shall be elected for a term of two years.

The practical impact of rotation occurring every two years is mitigated by staggering the cycle, so that five members are elected each year by the General Assembly for the stipulated two-year period. This was determined by rule 142 of the Rules of Procedure of the General Assembly.

Despite the specification of a two-year term there have been exceptions of members serving shorter terms. There have been one-year terms, either to break electoral deadlocks or to establish the required rotational cycle.

Article 23 also contains a provision that ensures that no member can become a de facto permanent member by being elected to continuously serve in the Council:

A retiring member shall not be eligible for immediate re-election.

This is further reinforced by rule 144 of the Rules of Procedure of the General Assembly, which also states that a retiring member of the Council will not be eligible for immediate re-election.

The Charter also specifies the criteria that the members of the General

Assembly should apply when considering who should be elected to serve on the Council. It provides in article 23 that due regard shall be:

...specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

Contribution to the maintenance of international peace and security is often interpreted in this context as levels of contribution to peacekeeping or financial contributions for peacekeeping operations and peace processes. Contribution to the other purposes of the organisation, by contrast, is a very wide term.

A key procedural provision of the Charter, which is relevant to Security Council elections, is article 18(2). This requires a two-thirds majority vote in the General Assembly on important questions. Under that article, election to the Council is defined as an important question.

In addition, article 18(3) defines the required majority by reference to members present and voting. This refers to members casting an affirmative or negative vote. Members who abstain from voting are considered not voting. If all members are present and voting, the required majority in 2009 will be 128, unless some members are precluded from voting by virtue of article 19 of the Charter, due to arrears in payment of financial contributions.

Relevant Rules of Procedure

Closely contested elections to the Security Council can sometimes produce tense and dramatic situations on the floor of the General Assembly. In such circumstances understanding the relevant Rules of Procedure can become very important.

The voting process is governed by rules 92, 93 and 94 of the Rules of Procedure of the General Assembly.

Under rule 92, elections to the Council are held by secret ballot. Nominations are not required. Countries simply declare their intention to run, sometimes many years ahead, either by circular note to all members of the UN or to the chair of their regional grouping, or both.

Rule 93 sets out the procedure which applies when there is only one vacancy to be filled and no candidate obtains the required two-thirds majority in the first ballot. It provides:

...a second ballot shall be taken, which shall be restricted to the two candidates obtaining the largest number of votes...if a two-thirds majority is required the balloting shall be continued until one candidate secures two-thirds of the votes cast...

What this first part of rule 93 means is that if there are more than two candidates and no clear winner in the first ballot, the lowest polling candidate drops out and the contest then continues to a second ballot between the top two candidates. This first part of this rule does not apply in the 2009 election as there is no scenario where there is one seat and more than two candidates. The effect of rule 93 is that voting simply continues until one candidate prevails, either by securing the required majority or because the other withdraws.

If neither candidate receives the required majority in the second and third ballots, rule 93 says that after the third inconclusive ballot, votes may be cast for *an eligible ... Member*. This allows new candidates to come into the process and the fourth ballot is therefore technically referred to as an unrestricted ballot. (Also it would allow any candidate excluded after the first restricted ballot to come back again.)

If a result is not achieved after three of these unrestricted ballots, rule 93 requires that the pool again be reduced to the top two. This cycle then repeats until a result is achieved.

The emergence of new candidates during the unrestricted stage is rare, but not unprecedented. The most recent example took place in 2006 when Panama came in after 48 rounds of inconclusive voting between Venezuela and Guatemala. The longest period of voting was in 1979 when Cuba and Colombia went to 155 rounds over a period of three months before Mexico was brought in as an alternative candidate.

In practice, what is more common is that after a succession of inconclusive ballots, and if a trend is starting to emerge in one direction, the candidate with fewer votes may withdraw.

Rule 94 is similar to rule 93, but is applied when there are two or more seats to be filled.

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected.

Rule 94 also specifies that if additional rounds of voting are required, the pool is reduced by a formula which says that remaining candidates should not be more than twice the number of places available.

Annex 2: Historical Background

In 1946, at the outset of the United Nations, the Charter provided for 11 members of the Security Council: five permanent members and six elected members.

Article 23(2) included a provision that in the first election of Council members,

three members would be chosen for a period of one year so that in the future three new members could be elected annually. This was decided by drawing lots for the one- and two- year terms.

In the first election on 12 January 1946 the following countries were elected: Brazil, Egypt, Mexico, the Netherlands, Poland and Australia. The pattern of geographical distribution was: two seats for Latin America, one for the Middle East, one for Eastern Europe, one for Western Europe and one for the Commonwealth.

The interpretation of what equitable geographic distribution should mean in terms of seats was based on an informal agreement among the permanent members sometimes known as the London Agreement. From the start there was a lack of agreement on what had been agreed to. The US saw the 1946 formula as only applying to the first election, but the Soviet Union maintained that there had been a gentlemen's agreement of a more general nature on the future meaning of geographic distribution.

Although the Charter clearly specifies a two-year term for elected members of the Council, in addition to the 1946-47

period, split terms started to occur in the late 1950s until the Council was enlarged in 1965. This was in part driven by fall-out from the disagreement over regional rotation and associated Cold War politics. But the aspirations of the newly independent countries were also an important factor. The first example of this was seen in 1955 when the Philippines and Poland were in contest. After four inconclusive ballots Poland withdrew and Yugoslavia entered. However, the stalemate continued and after two months and over thirty rounds of voting, it was informally agreed that the Philippines would withdraw but that Yugoslavia would resign after one year, at which point the Philippines would run as the only candidate for that seat. Over the next few years this became an increasingly common feature. For example, the 1960-61 seat was shared between Poland and Turkey, the 1962-63 term between Romania and the Philippines and 1964-65 between Czechoslovakia and Malaysia.

By the early 1960s there was a growing acceptance that the original composition of the Council had become inequitable and unbalanced. Between 1945 and 1965 UN membership rose

from 51 to 117 member states, with the proportion of Asian, African and Caribbean states increasing from 25 percent to about 50 percent. On 17 December 1963 the General Assembly adopted resolution 1991 A(XVIII) which contained amendments to the Charter addressing the issue by increasing the number of elected members to ten. The resolution also dealt with the issue of geographic distribution, which was resolved as follows:

- five from the African and Asian states (subsequently subdivided in practice into two seats for the Asian Group and three seats for the African Group);
- one from Eastern European states;
- two from Latin American states (including the Caribbean); and
- two from Western European states and Other states (included Australia, Canada and New Zealand).

At the same time article 27 was altered so that resolutions of the Council required the vote of nine instead of seven members. This also meant that for the first time the permanent members could be out-voted by non-permanent members, although only on procedural questions.

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