Introduction

The General Assembly is scheduled to hold elections on 16 October 2007 for five seats on the Security Council. Ten of the 15 seats on the Council are held by elected members serving two-year terms. The five seats up for election will be distributed as follows:

- two seats for Africa;
- one seat for Latin America;
- one seat for Asia; and
- one seat for Eastern Europe.

The five new members elected this year will replace the Republic of Congo, Ghana, Peru, Qatar and Slovakia in January 2008.

Currently it seems that only the Asian seat will be uncontested. Vietnam, the only Asian candidate, declared in 1997 that it would run this year. It campaigned over a ten-year period and won regional endorsement in 2006 virtually assuring it of election. In the Asian Group a candidate can be endorsed a year in advance if there is a “clean slate” (i.e. no other candidates). However, because these are elections to a “Principal Organ” of the United Nations formal balloting is required even when there is an endorsed candidate for a clean slate. (General Assembly decision 34/401, paragraph 16, which allows the Assembly to dispense with elections where there was a “clean slate” from a regional group, applies only to subsidiary organs and therefore does not apply to Security Council elections.)

The other four seats are contested:
- Croatia and the Czech Republic are competing for the Eastern European seat;
- Costa Rica and the Dominican Republic are competing for the Group of Latin American and Caribbean States (GRULAC) seat; and
- The two African seats are being contested by three candidates: Burkina Faso, Libya and Mauritania.

In summary, the number of seats available to the various regions in this election and the declared candidates are as follows:

<table>
<thead>
<tr>
<th>REGION</th>
<th>NO. OF SEATS AVAILABLE</th>
<th>COUNTRIES RUNNING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latin America</td>
<td>1</td>
<td>Costa Rica,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dominican Republic</td>
</tr>
<tr>
<td>Eastern Europe</td>
<td>1</td>
<td>Croatia,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Czech Republic</td>
</tr>
<tr>
<td>Asia</td>
<td>1</td>
<td>Vietnam</td>
</tr>
<tr>
<td>Africa</td>
<td>2</td>
<td>Burkina Faso,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Libya, Mauritania</td>
</tr>
</tbody>
</table>

Previous experience on the Council of the 2007 candidates in the six decades since 1946 is as follows:

<table>
<thead>
<tr>
<th>Country</th>
<th>Years Served</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burkina Faso</td>
<td>1984-1985</td>
</tr>
<tr>
<td>Croatia</td>
<td>has never served</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>1994-1995</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>has never served</td>
</tr>
<tr>
<td>Libya</td>
<td>1976-1977</td>
</tr>
</tbody>
</table>

The Contested Seats

African Seats

None of the African candidates were founding members of the UN. All three have served one term on the Council. Libya served in 1976-1977. Burkina Faso served in 1984-1985 and Mauritania in 1974-1975.

The African Group follows a practice of strict rotation involving five subregions on the African continent:

- Southern Africa
- Central Africa
- East Africa
- North Africa and
- West Africa.

Under this regional rotation, the two seats available this year are expected to go to West and North Africa. Burkina Faso, which was endorsed at the AU
The election of both the African Group’s representatives to the Security Council seat is still to be decided. There are a number of possible scenarios for the African seats. The most straightforward would be:

- Burkina Faso and Libya obtain the necessary two-thirds of the votes in the first round of voting.

Another perhaps less likely scenario, which could result in multiple rounds of voting, would be:

- Burkina Faso, having campaigned as the sole endorsed candidate for the ‘West African’ seat obtains the necessary two-thirds in the first round of voting but neither Libya nor Mauritania obtain a two-thirds majority. The voting then continues for the remaining seat until one of them obtains the necessary number of seats or withdraws.

Members are likely to be taking into consideration the following factors:

- Both Burkina Faso and Libya have been endorsed by the AU leaders. Burkina Faso was endorsed in January 2007 and Libya in June 2006. Mauritania brought the issue to the African Union Summit in Accra in July 2007 but the summit did not agree to reopen the earlier endorsements.

- Burkina Faso has campaigned as the sole endorsed candidate for the West Africa seat (members of the General Assembly are familiar with the way the African Group rotates among its subregions).

- Libya has stepped aside twice in favour of other North African candidates along and it has taken steps in recent years to restore its international image, including termination of its nuclear programme and active involvement in conflict resolution in its neighbouring region, especially Chad and Darfur.

- Mauritania used to be in the West Africa subregional grouping until 2004 when it became a member of the North Africa group. It seems that the practice of the North African group is that a new member has to start at the bottom of the rotation for a Council seat. Mauritania however chose instead to assert its right to run based on another principle—that of the length of time since a country last served on the Council. (Libya was in the Council more recently than Mauritania.)

The election for the Eastern European seat could go to a number of ballots. Both countries have a strong core of support which could result in both having a "blocking third" of the votes making it difficult for the other to get the neces-
sary two-thirds majority. However, history suggests that as the voting proceeds, there is a tendency when one candidate is clearly ahead, for the balance to eventually tip in favour of that candidate.

However, if the election is very close and both candidates believe they can win the seat, vigorous campaigning can continue, resulting in the lead swinging narrowly from one to the other. Such a situation developed last year when Venezuela and Guatemala contested a seat for three weeks with 48 rounds of voting before both withdrew. However, a repetition seems unlikely this year.

**Latin American and Caribbean Seat**

The two candidates for the GRULAC seat are both founding members of the UN. The Dominican Republic has never been a Council member. Costa Rica has served on the Council twice (1974-75 and 1997-98). Both countries were suggested in 2006 as a possible alternative candidate when Guatemala and Venezuela were deadlocked. The Dominican Republic last ran last in 2001 but lost to Mexico. It seems that the two candidates may still be open to negotiations. It is possible, therefore, that before the October elections one of the two may withdraw, creating a “clean slate” situation in GRULAC.

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**Charter Provisions on Election of Non-Permanent Members to the Council**

The United Nations 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:

“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 is not 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 organisation, 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(2) defines the required majority by reference to members “present and voting”. If all members are present and voting, the required majority in 2007 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.

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**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 suddenly 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 United Nations 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. The first part of this rule does not apply in the 2007 elections as there is no scenario where there is one seat and more than two candidates.

The second part of rule 93 applies to the GRULAC and Eastern European seat, since there are two candidates. The effect of rule 93 is that voting simply continues until one candidate prevails, either by securing the required majority or 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 last year when Panama came in after 48 rounds of inconclusive voting took place 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. This is the case with the African seat in the 2007 elections. Rule 94 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. This provision will not impact the 2007 elections because with two vacant seats and only three candidates there will never be more than twice the number of candidates than places available.

Historical Perspective

In 1946, at the outset of the United Nations, the UN 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 non-permanent 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. (A similar formula was applied in 2006 during the elections for the newly created Human Rights Council.)

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:

<table>
<thead>
<tr>
<th>Region</th>
<th>Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latin America</td>
<td>2</td>
</tr>
<tr>
<td>Middle East</td>
<td>1</td>
</tr>
<tr>
<td>Eastern Europe</td>
<td>1</td>
</tr>
<tr>
<td>Western Europe</td>
<td>1</td>
</tr>
<tr>
<td>Commonwealth</td>
<td>1</td>
</tr>
</tbody>
</table>

The interpretation of what equitable geographic distribution should mean in terms of seats was based on an informal understanding 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 United States 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 non-permanent mem-
bers of the Council, split terms started to occur in the late 1950s until the Council was enlarged in the mid 1960s. This was in part driven by fall-out from the disagreement over regional rotation and associated Cold War politics. But also the aspirations of the newly independent countries were 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 in favour of Yugoslavia. However, the stalemate continued and after two months and over thirty rounds of voting, it was informally agreed that 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 Turkey and Poland, 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. On 17 December 1963 the General Assembly adopted resolution 1991 A(XVIII) which contained amendments to the Charter which addressed the issue by increasing the number of elected members to ten. The resolution also dealt with the issue of geographic distribution. It did not stipulate how that should be achieved nor did it suggest a possible composition of appropriate geographical groups. Nevertheless, the idea of equitable geographic distribution gave rise to electoral groups being established. The regional groups, as they now operate, are as follows:

- African Group 53 members
- Asian Group 53 members
- Eastern European Group 23 members
- Latin American and Caribbean States (GRULAC) 33 members
- Western Europe and Other States (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 the 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 the WEOG group in May 2000 and its membership was renewed in May 2004. It continues to seek membership in the Asian Group which is opposed to accepting it.

As illustrated above, electoral practices vary widely within the different groups.

### African Group

Most of the groups have informal understandings which are not codified into actual rules. The African Group is an exception to this. It has adopted the “Rules of Procedure of the AU Ministerial Committee on Candidatures within the International System” for the selection of candidates and the subregional groups tend to follow a disciplined rotation system. In this system every country in Africa should eventually get a turn to be a candidate for a seat on the Council. It does mean however the UN membership at large has little choice in the African candidate. 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 countries within a sub-regional group can change their “affiliation” and countries that can claim to straddle more than one geographic region have at times indeed chosen to change subgroups.

For example, the North Africa Group has a 24-year cycle for its six members. However other factors can override this established practice. As indicated above, Mauritania this year has chosen to challenge the rotation.

The rotation principle was also overridden when Nigeria challenged Guinea-Bissau in 1993 and won and when Sudan, the OAU-endorsed candidate, lost to Mauritius in 2000.
The process for selecting a candidate in the African Group has a defined path. First the subregional groups select their candidates who will be forwarded to the African Group of ambassadors for endorsement. The ambassadors submit the candidates to the Committee on Candidatures of the African Group in New York which then transmits the candidates 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, like the Economic Community of West African States, may add their endorsement before the list goes to the AU ministers. A final decision is taken by the Executive Committee of the AU made up of the AU leaders during their 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 seeking a clean slate tends to favour smooth and fast elections. But it has been criticised in elections to other bodies, for example the defunct Commission on Human Rights in which the election system was often cited as one of the sources for its crisis. In the case of Security Council elections it may lead to countries being selected based simply on rotation rather than their capacity to support international peace and security. The rotation of Rwanda onto the Council in 1994, in the midst of the crisis in that country, is seen by many observers as an example of the kind of problem that overly strict adherence to a rotation principle can bring.

Asian Group
In contrast there are no established practices in the Asian Group for rotation of seats. Some of the larger Asian countries, like Japan, India and Pakistan run regularly for seats. Until the mid 1990s India and Pakistan took turns being on the Council resulting in a regular South Asian presence. Japan has consistently been on the Council every two to four years since 1958. Next year it will run against Iran for a seat. The lack of a formal rotation system has meant that there is often competition for the Asian seat even if a candidate declares itself far in advance. For example in 2010 Kazakhstan which put in its bid in 1997 will be running against Thailand and India.

The Arab Swing Seat
There is an established practice that spans the Asian and African Groups. As discussed above General Assembly resolution 1991 A(XVIII) provided five seats for Asia and Africa and 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 were no 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”. The Arab candidate from the African Group has generally come from North Africa (although Sudan occupied the seat in from 1971-73). For example, Libya and Mauritania, the North African candidates this year, both qualify for the Arab seat. The Asian Group works on the informal understanding that it will field a suitable Arab candidate every four years. Although this is an informal agreement between the Asian and African Groups since 1968 this seat has been continuously occupied by an Arab country.

Eastern European Group
The Eastern European Group is still 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 members have served on the Council. The Eastern European seat was one of the original seats designated in 1946 by the permanent members’ “gentleman’s agreement”. It was often contested in the first twenty years with the Soviet Union and the West vying to place their preferred candidates in this seat. It also became the favourite seat for countries that did not have a clear regional grouping like the Philippines (in 1955 there was no Asian seat). Although Turkey is now a member of the WEOG group, in 1961 it occupied the Eastern European seat on the Council. As a result of the contest over this seat until 1960 Poland and Ukraine were the only 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-Herzegovina, Croatia, Slovenia, Macedonia, Serbia and Montenegro), the break-up of Czechoslovakia, and the Soviet Union’s splitting into 15 states. It also has the most recent UN member, Montenegro which was admitted to the UN in 2006. With so many relatively new members of the UN, the Group has not yet developed established practices. However, there have been some preliminary discussions about creating a more formal system of rotation for Council candidates.
Western European and Others Group

WEOG is a geographically diverse group whose members share broadly similar levels of economic development and political values. The group comprises Western Europe plus the “Others”. This later subgroup evolved largely from what was previously called the British Commonwealth Group, which 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 whereas 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. There are several loose subgroups within WEOG: the Nordics (Denmark, Iceland, Norway, Sweden, the 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.

In the past it seems that there were also loose understandings between the subgroups which enabled them to avoid competition for the same seat. However, that era seems clearly to be long since past. Some wondered whether the 2006 elections, which brought Belgium and Italy onto the Council in an uncontested vote, might see a return to former days. However, the elections in 2008 (with Turkey, Iceland and Austria all having indicated they are running) and the elections in 2010 (with Germany, Canada and Portugal all competing for the two available seats) seem to suggest that the trend of recent history in WEOG is reasserting itself.

The Nordic subgroup has a clearly established practice of fielding an agreed Nordic candidate once every four years. Denmark was a member of the Council from 2005-06 and Iceland will run in 2008. This practice has resulted in a regular Nordic presence in the Council.

Latin American and Caribbean Group

The Latin American group retained the same membership until 1963. After the expansion of the Council and following the reorganisation of the electoral groups in resolution 1991 A(XVII) the Latin American Group took in the Caribbean states and became the Group of Latin American and Caribbean states (GRULAC).

Like some of the other groups, GRULAC has no established rules regarding rotation. Historically, however, the group has often been able to reach consensus on clean slates. Nevertheless, contested elections do occur. This was the case in 2006 and seems likely again this year.

The 2006 election, with the deadlock between Guatemala and Venezuela, highlighted the potential for regional groups to play an important role in resolving such deadlocks. GRULAC was 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 precedents within GRULAC for who would take the lead in this sort of situation.

After the difficulties it encountered in 2006, GRULAC seems to be exploring the possibilities of moving towards a more coordinated system of candidature for the Council in order to avoid having future candidates competing for a seat. However this may prove difficult to maintain especially when the Latin American heavyweights sometimes choose to run at a time when another member considers that its turn has come.

UN Documents

Selected General Assembly Documents

- A/61/1015 (30 July 2007) was the draft programme of the plenary for the 62nd General Assembly.
- A/61/PV.37 (19 October 2006), A/61/PV.45 (2 November 2006), A/61/PV.49 (3 November 2006) were the plenary records of the most recent elections of non-permanent members.
- 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 (1985) and Amendment 1 (21 August 1991) and Amendment 2 (8 October 1993) are the Rules of Procedure of the General Assembly including amendments and additions.

Useful Additional Sources

- Eyes on the Prize: The Quest for Non-permanent Seats on the UN Security Council by David Malone, Global
What is Equitable Geographic Representation in the Twenty-First Century
edited by Ramesh Thakur, International Peace Academy, Seminar Report, 26 March 1999

- A History of the UN Charter by Ruth Russell, The Brookings Institute
- Rules of Procedure of the AU Ministerial Committee on Candidatures within the International System, Doc. EX/CL/213 (VIII)