# SECURITY COUNCIL REPORT
# SPECIAL RESEARCH REPORT

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# UN SECURITY COUNCIL ELECTIONS 2008

## Introduction

The General Assembly is expected to hold elections on 17 October for five seats of the ten seats on the Council which are available for elected members serving two-year terms. The five seats available for election in 2008 will be distributed regionally as follows:

- one seat for Africa (currently held by South Africa);
- one seat for the Group of Latin American and Caribbean States (GRULAC), (currently held by Panama);
- one seat for Asia (currently held by Indonesia); and

- two seats for Western European and Others Group (WEOG), (currently held by Belgium and Italy).

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 2009-2010.

At this time it appears that two seats—Africa and GRULAC—will be uncontested. Until June this year the African seat had two contenders, Uganda and Madagascar. However at the African Union Summit in Sharm El-Sheikh in June, the AU Executive Council endorsed Uganda as the candidate for the African seat for 2009-10. Uganda had a split term on the Council in 1966 and then served for two years in 1981-82. Mexico is the only candidate for the GRULAC seat. Mexico is one of the UN's founding members and was part of the first group of elected Council members in 1946. Since then it has been on the Council only twice, in 1980-81 and in 2002-03. Having won regional endorsement, Uganda and Mexico are in practice assured of being elected by the General Assembly. However, because these are elections to a principal organ of the United Nations, formal balloting is required even though there is an endorsed candidate. (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.) Of the 42 elections held between 1966 and 2007, 23 have been uncontested in all five groups. To be elected, a candidate needs to obtain a two-thirds majority of the vote.

It seems the election for the three seats in the remaining two groups will be contested.

- Iran and Japan are vying for the Asian seat. (Mongolia had originally indicated it would run for this seat but withdrew in January 2007 when Japan entered the race.)
- The two seats WEOG are being contested by Austria, Iceland and Turkey.

In this election there is a wide range of previous Council experience among the candidates. They include one country that has never served on the Council to one that has had nine terms on the Council. The table on page 2 illustrates the number of seats available to the different regions in the election, the declared candidates and their previous experience on the Council.

| Region | Number of seats available in 2008 | States running | Number of years served on the Council to date |
|---|---|---|---|
| Latin America & Caribbean | 1 | Mexico | Three terms comprising 5 years (1946, 1980-82, and 2002-03) |
| Western Europe and Others | 2 | Austria | Two terms comprising 4 years (1973-74 and 1991-92) |
| | | Iceland | Has never served |
| | | Turkey | Three terms comprising five years (1951-52, 1954-55, and 1961 (split term)) |
| Asia | 1 | Iran | One term comprising two years (1955-56) |
| | | Japan | Nine terms comprising 18 years (1958-59, 1966-67, 1971-72, 1975-76, 1981-82, 1987-88, 1992-93, 1997-98, and 2005-06) |
| Africa | 1 | Uganda | Two terms comprising three years (1966 (split term) and 1981-82) |

## The Contested Seats

### Western European and Others Group Seats

The two WEOG seats come up every two years. This year, with three quite distinct contenders, the WEOG seats are expected to be the most hotly contested.

Turkey is a founding member of the UN. It has served three times on the Council: 1951-52, 1954-55 and 1961 (where it split the term with Poland). Currently, for electoral purposes it is part of the WEOG group, but it is also a member of the Asia group. Under previous configurations of the regional group system, in the past Turkey has occupied what was called the Middle East seat (1951-52) and the Eastern European seat (1954-55 and 1961).

Iceland became a UN member in 1946 one year after the founding of the organisation. However it has never served on the Council. Austria became a UN member in 1955 and has served twice in 1973-74 and 1991-92.

The two seats in WEOG are open to all three candidates as there are no seats allocated for subregional groups in WEOG (unlike the African Group which has a subregional rotation based on geography). There are a number of possible election scenarios for the two Western European seats. The simplest would be:

■ two of the three candidates obtain the necessary two-thirds of the votes in the first round of voting – but given the strong support which all three of the candidates seem to enjoy this seems unlikely.

Another possible scenario is:

■ one of the three candidates obtains the two-thirds of the votes in the first round but neither of the other two obtains a two-thirds majority. The voting then would continue for the one remaining seat until one candi-

date obtains the necessary number of seats or withdraws.

A further possible scenario is:

■ multiple rounds of voting take place because all three candidates initially fail to obtain the two-thirds majority. This is likely to occur if all three candidates have a strong base of support that does not waiver as voting continues.

As the process unfolds, General Assembly members are likely to take into consideration a range of factors including the following historical patterns.

■ This is Iceland's first attempt to run for a Council seat. It is running with the support of the Nordic subgroup within WEOG. The other members of the Nordic subgroup—Denmark, Norway, Finland and Sweden— have been on the Council regularly over the years but Iceland chose not to be a candidate until now. Iceland's candidacy was endorsed by the

Nordic Group in 1998 and announced within WEOG in April 2000.

- Although between 1951 and 1961 Turkey spent five years on the Council it is now 47 years since it last held a seat. It has indicated interest in running a number of times but various circumstances have forced it to withdraw, most recently a major earthquake in 2003. Turkey announced that same year that it would run in 2009.
- Austria since it became a member in 1955 has had two terms on the Council, most recently in 1991-92. This is its first contested election for a Council seat as it had a clean slate in past elections. It was the first of the three to announce its candidacy in 1998.

The three candidates have contributed to the maintenance of international peace and security in different ways. Austria says that it has contributed a total of 60,000 individuals to peacekeeping since 1960 in over fifty peace missions. Currently there are 1400 Austrians serving in UN peacekeeping operations. Turkey has been involved in peacekeeping activities since the Korean War and is ranked 28th in military and police contributors to UN missions. It has been actively involved in UN counter-terrorism initiatives. Iceland, like Costa Rica which is currently on the Council, is an unarmed nation, but it has been a member of the UN Special Committee on Peacekeeping Operations since 1997. In 2001, it set up an Icelandic Crisis Response made up of civilian experts who serve in various peace operations. All three countries also contribute to NATO operations.

The three candidates highlight their differing international peace and security credentials and they each are also drawing attention to other specific strengths.

- Austria emphasises its long engagement with international law, human rights and disarmament. It highlights its participation in EU activities as a strength.
- Iceland highlights that it is a country with an independent minded foreign policy and that it has particular strength and freedom from not being a member of the EU political coordi-nation. It identifies common interest with countries concerned about sustainable use of natural resources. It emphasises its understanding of the interests of small states including the threat to their security by phenomenon such as sea level rise.
- Turkey emphasises its geo-strategic location pointing out that many of the issues on the Council's agenda are in Turkey's geographical vicinity. It stresses the importance of dialogue for peace and security and uses as an example its attempts to facilitate dialogue between Israel and Syria.

**The Asian Seat**

The competition in the Asian group is between a country with extensive experience on the Council and one whose last experience on the Council was 53 years ago. Most observers expect Japan to prevail over Iran even if voting is not decided in the first round. A protracted stalemate is not expected.

The factors that members are likely to take into consideration are the following.

- Iran was admitted to the UN on 24 October 1945. It has only been on the Council once in 1955-56 when it ran unopposed in the then Middle East seat. Its candidacy for 2009-10 was formally announced by the Asia Group in September 2007.
- Iran is in the midst of a protracted dispute with the Security Council which has passed three sets of sanctions resolutions on Iran. Iran rejects the legality of these actions.
- Japan has had nine terms on the Council. It last held a seat in 2005-06. The only time Japan has been opposed in running for a non-permanent seat was in 1996 when it ran against India and won by a large margin.
- Japan is the second largest contributor to the UN regular budget and the peacekeeping budget after the US, accounting for close to 20 percent of the regular budget and 17 percent of the peacekeeping budget.

In terms of its participation in international peace and security activities, Japan began contributing to peacekeeping operations in 1989 and has provided both civilians and Self-Defence Forces to eight peacekeeping operations. (Japan's peacekeepers have been involved in humanitarian and infrastructure work.) It has also been active in trying to improve the effectiveness of Council working methods and peacekeeping by chairing the Security Council working groups on these issues when it was last on the Council in 2005-06. Iran has not been involved in any UN peacekeeping activities.

## Modern Regional Groupings and Established Practices

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 states operate separately and this *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 nor does it suggest a possible composition of appropriate geographical groups. 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 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 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. It continues to prefer membership in the Asian Group which is opposed to accepting it.

### 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. Sub-regional groups within the African Group tend to follow a disciplined rotation system. Theoretically under 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 that the UN membership at large has little choice on 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 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.

Under this rotation for example, the East Africa group has a 52-year cycle for its 13 members. However other factors can override this established practice and challengers can emerge within the same regional grouping upsetting the order. This year it was Uganda's "turn" to run for the East Africa seat but Madagascar, which also comes under East Africa for electoral purposes, initially chose to contest the election as well. Last year Mauritania put in a contested bid even after the AU had endorsed Libya and Burkina Faso but eventually withdrew about a month ahead of the election.

As illustrated above candidates are often persuaded to drop out to avoid a competitive election. But there are times when challengers emerge and continue all the way through the election. Since 1966, when the current regional groupings were established, there have been only four competitive elections for the African seats. Nigeria prevailed over Niger after five rounds in 1979. 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 AU and that it was under UN Security Council sanctions. The Organisation of African Unity (OAU) summit did not endorse any candidate that year.

Looking ahead to 2009 there currently are two candidates—Nigeria and Sierra Leone—indicating interest for the one available Western African seat.

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 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, such as the Economic Community of West African States, may add their endorsement before the list goes to the AU ministers. This year the Ministerial Committee, unable to decide between Uganda and Madagascar, submitted both candidates to the Executive Committee of the AU. 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 applica-tion results in candidates being elected that would have struggled in a contested election and add little to resolving problems. Rwanda's election in 1993 is an example. (More-over it tends to undermine article 23 of the UN Charter which refers to con-tribution to international peace and security and to equitable geographi-cal distribution as criteria which are both to be taken into consideration when electing non-permanent mem-bers to the Council.) 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.

Another factor which is coming into play 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.

## Asian Group

In contrast there are no established practices in the Asian Group for rota-tion of seats. While it has the same number of countries as the African Group, the Asian Group's wide geo-graphic span—covering the Middle East, Northeast Asia and Southeast Asia—has led to a much looser regional grouping.

Still some patterns have emerged. Until the mid-90s there was an almost continuous South Asian presence on the Council with India, Pakistan, Nepal and Bangladesh occupying seats on the Council. However, there doesn't appear to be 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. How-ever since 1992 India has not been on the Council. It did run in 1996 but lost to Japan. Recently it announced that it plans to run in the 2010 election.

Japan also has been a regular pres-ence from 1966 onwards and has accumulated a record 18 years on the Council by running nearly every two to four years. The lack of a formal rotation system has meant that there is 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 in 2010 put in its bid in 1997. India announced it would run in 2007 for the same period on the Council.

The only subgroup within the Asian Group which endorses its candidates is the Association of Southeast Asian Nations (ASEAN) made up of the ten Southeast Asian countries. Although there is no policy of ASEAN fielding regular candidates there has been a regular ASEAN presence in the Coun-cil, particularly since 1999. In the last ten years Malaysia, Singapore, the Philippines, Indonesia and Vietnam have occupied almost back-to-back seats on the Council. (This year, for the first time, two ASEAN countries, Vietnam and Indonesia, have been

on the Council.) However given that Thailand, which had initially declared its intention to run in 2010 has withdrawn, 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 Vietnam leaves the Council at the end of 2009.

## The Arab Swing Seat

There is an established practice that spans the Asian and African Groups. As discussed in Annex 2 below, 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 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 1972-73. The Asian Group works on the informal understanding that it will field a suitable Arab candidate every four years. Next year Lebanon is running for the seat currently occupied by Vietnam. 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 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 twelve members have ever served on the Council. The Eastern European seat was one of the original seats mentioned in 1946 by the permanent members' "gentlemen's agreement". 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 countries 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 (which was in fact part of the Soviet Union but had a separate membership in the UN, as did Belarus, as part of an agreement between the Soviet Union, UK and the US during the Yalta Conference in 1945) 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 newest UN member, Montenegro, admitted to the UN in 2006. With so many relatively new members of the UN, the Group has not yet developed established practices.

## Western European and Others Group

WEOG, the second smallest regional grouping, is a group whose members share broadly similar levels of economic development and political values but which is the most diverse geographically. The group comprises Western Europe plus the "Others". This later 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, Lichtenstein, Luxembourg, Monaco, San Marino, 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, 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. Since the creation of WEOG in 1965 until 2001 CANZ countries have been on the Council every two to 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 in the following order: Denmark, Finland, Sweden and Norway. Iceland in the past had chosen not to take its turn. They also campaign collectively as seen in the September 2007 joint letter sent by the Nordic foreign ministers asking UN members to support Iceland's candidacy. As a result the Nordic candidates have been a regular presence since 1949. The longest period without a Nordic country on the Council was between 1991 and 1996.

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. However, for some time that era appeared to be of historical interest only. 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, this year's hot competition 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 has become highly competitive again.

## Latin American and Caribbean Group

The Latin American group retained unchanged membership until 1963. After the expansion of the Council 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).

Like most of the other groups, GRULAC has no formal rules regarding rotation. For much of the last sixty years Latin American countries have tended to dominate regional representation. Historically, the group was often able to reach consensus on clean slates with only five contested elections over the years. However the Group has produced two 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. In 2006 there were 48 rounds between Guatemala and Venezuela with Panama finally coming in as the

compromise candidate after over two weeks of voting.

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. Although the situation had occurred before, there were no clear protocols within GRULAC for how to handle this sort of situation.

After the difficulties in 2006, the Latin American countries in GRULAC appear to be moving towards a more coordinated system of candidature for the Council in order to avoid having future Latin American candidates competing for a seat. There is an emerging sense that there should only be one candidate running each year and that Latin American countries are conscious of not competing with each other. At the moment between 2009, when Brazil will run, and 2016 when Bolivia will be the candidate there is only one Latin American candidate on the list for each election. This approach is at some risk, however, because it ignores what will happen if a Caribbean country chooses to compete. Another problem that may be emerging is the growing interest by the bigger countries like Brazil and Mexico in running more regularly.

## Established Practices in Becoming a Candidate for a Non-Permanent Seat

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 sub-regional group like the Nordic Group within WEOG or ASEAN within the Asian Group it will inform and seek the support of the members of its subregional group of its intention to run. The endorsement of the subregional grouping then becomes an important factor in the second step.

■ The second step is to write formally to inform to 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 then 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 close to the time of the election the chair of the Group will inform the president of the General Assembly of the "clean slate". If not, as is the case with both the Asian Group and WEOG this year, there will be no endorsement.

■ 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 is not circulated as a formal UN document but becomes a guide to help the Secretariat prepare the relevant documentation for the election process.

## 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 (26 July 2005) was a note verbale from Costa Rica containing information on elections from 1946 – 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.

## Useful Additional Sources

■ *Reforming the United Nations: Lessons from a History in Progress,* Edward Luck, International Relations Studies and the United Nations Occasional Papers, 2003, No.1

■ *Eyes on the Prize: The Quest* for *Non-permanent Seats* on the UN Security Council by 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* by Sydney Bailey and Sam Daws, Chapter 3, Clarendon Press, Oxford, 1998.

■ *The Once and Future Security Council,* edited by Bruce Russet, St Martin's Press, 1997

■ *A History of the UN Charter* by Ruth Russell, The Brookings Institute

■ *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,* found on the Global Policy Forum website at www.globalpolicy.org/security/membership
- United Nations Handbook 2007-2008 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 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:

*"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 Organisation, and also to equitable geographical distribution."*

"Contribution to the maintenance of international peace and security" is often interpreted in this context as leels 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". 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 2008 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 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…(i)f 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 2008 election as there is no scenario where there is one seat and more than two candidates.

The second part of rule 93 applies to the Asian seat if it goes into several rounds and to the WEOG seats if one seat is filled and voting continues in a situation where there are two candidates and one seat. 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 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.

*"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..."*

This rule would be applied if in the WEOG election two candidates obtain a two-thirds majority of votes in the first round of voting.

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. This provision will not impact the 2008 elections because with two vacant seats and only three candidates there will never be more than twice the number of candidates than places available.

## Annex 2: Historical Background

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.

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:

| | |
|---|---|
| Latin America | 2 |
| Middle East | 1 |
| Eastern Europe | 1 |
| Western Europe | 1 |
| Commonwealth | 1 |

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 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 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 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 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 (included the Caribbean);
- two from Western European States and Other States (included Australia, Canada and New Zealand). ■

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