TAFS MUN 2016

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The Air Force School, Subroto Park

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Venue: The Air Force School, Subroto Park

Open Forum on UN Reform - Background Guide

LETTER FROM THE EXECUTIVE BOARD

Dear delegates

It is our pleasure to welcome you to the simulation of Open Forum on UN Reform at The Air Force School Model United Nations Conference 2016. A fusion of conventional debating and Model UN format, this committee is an attempt to retain focus on objective discussion, consensus building and documentation, while far removed from hard-lined procedures or adherence to foreign policy and portfolio representations.

It is a simulation of a collective group of people to discuss reform of the organization. Its proceedings will be slightly different from that at most Model UN conferences. We shall be uploading a procedural guide soon for your convenience before the Conference. Given below is a small list of guidelines that may help you be better prepared for the discussion:

- You will not be representing countries, stakeholders, political parties or regions but yourselves. The views that you shall present in the committee shall be your own and not those that reflect the interests of one particular country or individual.

- Research must be all encompassing, such that your points should consider all aspects of the reform of the United Nations. This would mean that you will be equipped with the knowledge of the procedures of the Security Council, their past work, successes and failures (case studies inclusive) as well as popular critiques. After having familiarized yourself with the same, it would be advisable to come up with an analysis of your own that you may present at the forum. Please note that this committee will be focusing on the reforms of the UNSC.

- In this committee, the final aim is to come up with a comprehensive, practical and workable list of points suggesting reforms after keeping in mind mandates and processes of the concerned structures of whose reformations you have called for. We would highly recommend you to work on some solutions before the commencement of the Conference. It will help us proceed with the committee smoothly. Do not worry yourself with whether the solution is correct or not. Just write it down somewhere.

- While it is a competitive committee where the most wholesome and substantively sound points is likely to be taken note of, we encourage you to think that you have indeed met to reform the UN. Open-mindedness and inclusiveness to the points made by others will be appreciated whilst rhetoric will be not. Discussion (not debate) must remain constructive at all points in time.

Please read the study guide carefully. It will facilitate your research better and kindly note that we are focusing on the reformation of the UN Security Council. We have also given some questions that you can ponder upon. It will aid your analysis. However, just to remind you that the background guide should only be a stepping-stone for the rest of your research. It is not at all exhaustive. We welcome innovative ideas and shall try our best to guide you well.

We hope that this committee acts as a great opportunity where you can learn freely, and explore new ways of discussion, documentation and research. Do not hesitate to contact us if you have any doubt. We look forward to addressing any query that you may have

Warm regards

The Executive Board

INTRODUCTION

After the devastating effects of two world wars, the international community decided to establish the United Nations (UN) as an intergovernmental organisation with the primary responsibility of maintaining international peace and security and creating the conditions conducive to economic and social development while advancing universal respect to human rights.[1] The Security Council (SC) was established as one of its six principal organs and was given the primary responsibility to preserve international peace and security.[2]

The Security Council held its first session on 17 January 1946 at Church House in London. After its first meeting, the Council relocated to its permanent residence at the United Nations Headquarters in New York. At that time, five permanent members and six non-permanent members comprised the membership of the Council.[3] However, in over the subsequent years, discussion regarding the structure of the Council began to take. In 1965, the number of non-permanent members increased to ten, and although membership has not changed since, discussions regarding configuration take place frequently.[4]

During the Cold War, disagreements between the United States of America and the former Soviet Union blocked the Council from being an effective institution due to lack of agreement on even the most basic of issues and topics.[5] However, beginning in the late 1980s, the body became more active, authorising many peacekeeping missions, such as those in the former Yugoslavia, Somalia, the Democratic Republic of Congo (DRC), Kosovo and East Timor.[6] After the Cold War ended, traditional challenges to international peace and security shifted, forcing the Council to adapt to new scenarios, such as the challenges of addressing multiple humanitarian crisis simultaneously, in different regions of the world.[7] After 2000, terrorism and extremism, became a priority of the Council, as evidenced by the adoption of a range of resolutions and the establishment of several subsidiary bodies.[8]

More than half a century after the Council's creation, the international community confronts a rather diverse range of global threats, including nuclear terrorism, upsurge of violent non-state actors, organised crime, spread of infectious disease, and state's collapses. The new challenge call upon Security Council Member States to engage in collaborate, preventive efforts in order to tackle them.[9]

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[1] Charter of the United Nations, 1945, Preamble
[2] United Nations, United Nations Security Council: About, 2014
[3] Hanhimäki, The United Nations: A Very Short Introduction, 2000, p. 32.
[4] Bourantonis, The History and Politics of UN Security Council Reform, 2005, p. 10
[5] Encyclopedia Britannica, United Nations Security Council, 2014.
[6] Ibid; United Nations, United Nations Security Council: About, 2014.
[7] Council on Foreign Relations, Backgrounder: The UN Security Council, 2014; Encyclopedia Britannica, United Nations Security Council, 2014
[8] Security Council Report, September 2014 Monthly Forecast: Counter-Terrorism, 2014
[9] Hanhimäki, The United Nations: A Very Short Introduction, 2000, p. 39

STRUCTURE AND MEMBERSHIP OF SECURITY COUNCIL

The Security Council is the only UN body, which has the power to adopt binding resolutions.[10] This means that when a resolution is adopted by the Council, Member States, in accordance with the Article 25 of the UN Charter, are obliged to accept and carry out the Council's recommendations and decisions.[11] The Security Council also has a variety of other tools to address issues on its agenda. For example, the President of the Security Council may issue press statements or presidential statements, which are similar to resolutions, but are not legally binding.[12]

Membership

United Nations Security Council is composed of fifteen members and ten non-permanent members. The five permanent members of the Security Council are China, France, the Russian Federation, the United Kingdom and the United States of America. Every year, the General Assembly elects five of the ten non-permanent members for a two-year term.[13] Elections for non-permanent seats on the Security Council can be extremely competitive, with countries expressing interest years in advance. Countries elected to serve on the Security Council are expected to represent the interests of their region, and also usually have an influence at the international level and demonstrate leadership in specific areas of interest to their foreign policy.[14]

At its eighteenth session in 1963, the General Assembly decided that the non-permanent members of the Security Council should be elected according to the following pattern (resolution 1991 A (XVIII)):

1. Five from African and Asian States;
2. One from Eastern European States;
3. Two from Latin American States;
4. Two from Western European and other States.

As stipulated in rule 144 of the rules of procedure, a retiring member is not eligible for immediate re-election. In accordance with rule 92 of the rules of procedure, the election is held by secret ballot and there are no nominations. Under rule 83 of the rules of procedure, the non-permanent members of the Security Council are elected by a two-thirds majority.[15]

For many years, some member-states have been advocating expansion of the Security Council, arguing that adding new members will remedy the democratic and representative deficit from which the Council suffers. Disagreement on whether new

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[10] United Nations, United Nations Security Council: About, 2014.
[11] Charter of the United Nations, 1945, Art. 25.
[12] NGO Working Group on Women, Peace and Security, Mapping Women, Peace and Security in the United Nations Security Council: 2009-2010, 2010, p. 11.
[13] United Nations, United Nations Security Council: Members, 2014
[14] Bourantonis, The History and Politics of UN Security Council Reform, 2005, p. 6.
[15] http://www.un.org/en/ga/62/plenary/election_sc/bkg.shtml

members should be permanent has become a major obstacle to Security Council reform.[16] More than 60 United Nations Member States have never been Members of the Council.[17] Many speakers favour expanding both permanent and non-permanent Council seats, but differ on what rights or privileges should be accorded to those categories.[18]

It is not easy to find a solution to reform the membership of the Council. Each suggestion, proposed by different countries and diplomats, has different advantages and limitations. While proposing any solution, we can consider the following questions.

- Is there a need to expand Council seats? If yes, should we increase both permanent and non-permanent Council seats? What should be the exact structure now?
- Do we need permanent Council seats? Why or why not?
- Should there be a criteria for selecting a permanent member? If a criteria is made, then in case, in future, a permanent member does not fall into the criteria; what status will be given to that country – will it remain a permanent member or become a non-permanent member? Will it be necessary for a country to become a permanent member to fall into the entire criteria? What if a permanent member falters only in one or some parameter(s) of the criteria and not all, will it remain a permanent member? If yes, then is it unfair on those countries which are not allowed to become a permanent member because they do not meet the entire criteria?
- What should be the criteria to choose a permanent member? Should the country be economically powerful or militarily powerful? Should it represent the ideology of its region or culture or its supporters? Should the parameters of the criteria be prioritised to avoid clashes?
- What should be the election procedure for the non-permanent members? Should the Assembly follow same procedure? If yes, what should be the new pattern of seat allocation to different region? Does this really improve regional representation?

NOTE: The list of question is not exhaustive. This is only to give an idea about how to think while preparing solutions for this particular agenda.

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[16] https://www.globalpolicy.org/security-council/security-council-reform/membership-including-expansion-and-representation.html
[17] http://www.un.org/en/sc/members/
[18] http://www.un.org/press/en/2009/ga10887.doc.htm

Voting

Every Member State of the Security Council has one vote. Votes on all matters require a majority of nine Member States. However, if one of the five permanent members of Council votes against a draft resolution, it does not pass. This is known as the "veto power".[19] While in the 1950s, SC Member States, in particular the former Soviet Union, made frequent use of their veto power, its usage declined in the 1960s and rose again in the 1970s and 1980s.[20] During the last decades, however, the use of the veto power has been on a comparatively low level.[21] Over the last few years, the Council has adopted many resolutions by consensus and has only been divided on a very limited number of issues.[22]

A State which is a Member of the United Nations but not of the Security Council may participate, without a vote, in its discussions when the Council considers that country's interests are affected. Both Members and non-members of the United Nations, if they are parties to a dispute being considered by the Council, may be invited to take part, without a vote, in the Council's discussions; the Council sets the conditions for participation by a non-member State.[23]

While addressing this section, we can think of the following aspects:

- Does veto power reflect the principle of democracy that United Nations as an organisation holds?
- Do we need veto power? What are the benefits of veto power?
- Is there a need to abolish veto power? Why do we need equal voting rights in SC?
- Should we give voting right to a non-council member which is a direct party to the issue and will get affected the most?

NOTE: You can identify limitations in any aspect of the Security Council. It is not necessary for you to restrict yourself to only voting and membership. For this reason we shall briefly describe the mandate of Security Council.

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[19] Charter of the United Nations, 1945, Art. 27.

[20] p. 53; Security Council Report, In Hindsight: The Veto, 2013; Security Council Report, The Permanent Members and the Use of the Veto: An Abridged History, 2013.

[21] Security Council Report, The Permanent Members and the Use of the Veto: An Abridged History, 2013

[22] Security Council Report, In Hindsight: Consensus in the Security Council, 2014; Security Council Report, In Hindsight: The Veto, 2013.

[23] http://www.un.org/en/sc/members/

MANDATE OF THE COUNCIL

The mandate of the SC is to maintain international peace and security and to take actions whenever peace and security are threatened. The Council's authority is particularly relevant when looking at the United Nations' four primary purposes, as specified in the Charter of the United Nations (1945): maintaining international peace and security; developing friendly relations among nations; cooperating in solving international problems; promoting respect for human rights as well as being a center for harmonizing the actions of nations. According to Article 39 of the UN Charter, the Council shall determine the existence of any threat to international security and formulate recommendations accordingly. In order to prevent the escalation of a given conflict, the Council may call upon the parties to comply with provisional measures. In addition to these responsibilities, the body may also recommend new Member States to the United Nations General Assembly (GA) as well as suggest the expulsion of a Member State if considered that if has persistently violated the UN principles, as laid out in the Charter.[24]

Functions and Powers

The Charter of the United Nations (1945) provides the Security Council with a number of powers in order to guarantee international security.

Sanctions: Pursuant to Article 41 in the Charter, the Council can call its members to apply economic sanctions and other measures not involving the use of force to prevent or end violence. These include economic sanctions, financial penalties and restrictions, travel bans, severance of diplomatic relations, blockades, among others. It may further mandate arms embargos, enforce disarmament, or call upon international criminal mechanisms to become active. For instance, in the last decade, the Council has adopted several political and economic sanctions against extremist organizations such as Al-Qaida, including travel restrictions, financial measures, arms embargos and increased military presence.

Diplomatic Tools: The Council has a mandate to investigate any dispute or situation that might lead to aggressions between states or other non-state groups or within states' national territories. In order to do so, it may "recommend methods of adjusting such disputes or the terms of settlement; formulate plans for the establishment of a system to regulate armaments; determine the existence of a threat to the peace or act of aggression and recommend what action should be taken." More recently, the Security Council determined the existence of a threat to peace when it demanded the immediate cease of military activities in Ukraine.

Military Action: Besides the above-mentioned diplomatic instruments, the Council may also take military action against a state or other entity threatening international peace and security and may further decide on the deployment of troops or observers. The

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[24] Charter of the United Nations, 1945, Art. 1.

Security Council may also decide upon the deployment of new UN peacekeeping operations to be led by DPKO, as well as the extensions of its mandate and subsequent modification or drawdown of any troops. In 2014, for example, the Council continued to modify the mandate of the United Nations Mission in Liberia (UNMIL), first established in 2003 by Security Council resolution 1509 (2003), as the mission prepares to drawdown and complete its work.

Partnerships: The Council also cooperates with a number of international and regional organizations as well as non-governmental organizations (NGOs) to implement its decisions. Cooperation between the SC and UN-related organizations, as for example, the Organization for the Prohibition of Chemical Weapons (OPCW), the International Atomic Energy Agency (IAEA), the North Atlantic Treaty Organization (NATO), and the African Union (AU) are of paramount importance for addressing a broad range of menaces such as terrorism, disarmament, nuclear non-proliferation, extreme violence from non-state actors, beyond others. Furthermore, collaboration between the SC and local actors as well as partnerships with NGOs are especially important for the deployment of peacekeeping operations. In recognition of the importance of partnerships, in July 2014, the Security Council adopted resolution 2164 (2014), emphasizing the importance of regional partnerships in peacekeeping activities.

SUMMARY OF MANDATE

The UN Charter established six main organs of the United Nations, including the Security Council. It gives primary responsibility for maintaining international peace and security to the Security Council, which may meet whenever peace is threatened.

According to the Charter, the United Nations has four purposes:

- to maintain international peace and security;

- to develop friendly relations among nations;

- to cooperate in solving international problems and in promoting respect for human rights;

- and to be a centre for harmonizing the actions of nations.

All members of the United Nations agree to accept and carry out the decisions of the Security Council. While other organs of the United Nations make recommendations to member states, only the Security Council has the power to make decisions that member states are then obligated to implement under the Charter.

Maintaining Peace and Security

When a complaint concerning a threat to peace is brought before it, the Council's first action is usually to recommend that the parties try to reach agreement by peaceful means. The Council may:

- set forth principles for such an agreement;

- undertake investigation and mediation, in some cases;

- dispatch a mission;

- appoint special envoys; or

- request the Secretary-General to use his good offices to achieve a pacific settlement of the dispute.

When a dispute leads to hostilities, the Council's primary concern is to bring them to an end as soon as possible. In that case, the Council may:

- issue ceasefire directives that can help prevent an escalation of the conflict;

- dispatch military observers or a peacekeeping force to help reduce tensions, separate opposing forces and establish a calm in which peaceful settlements may be sought.

Beyond this, the Council may opt for enforcement measures, including:

- economic sanctions, arms embargoes, financial penalties and restrictions, and travel bans;

- severance of diplomatic relations;

- blockade;

- or even collective military action.

A chief concern is to focus action on those responsible for the policies or practices condemned by the international community, while minimizing the impact of the measures taken on other parts of the population and economy.[25]

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[25] http://www.un.org/en/sc/about/

SUGGESTIONS TO REFORM THE SECURITY COUNCIL

In December 2004, the Secretary General's **High Level Panel on Threats, Challenges and Change** proposed two models for enlargement, which both suggest expanding the Council to 24 members. **Model A** proposes adding six new permanent seats, with no veto, and three new two-year term elected seats. **Model B** creates a new category of eight seats, renewable every four years, and one new two-year non-renewable seat. Neither the Panel's document, nor the **March 2005 Secretary General's report** titled "Enlarging Freedom" expresses a preference for one of the two models. Sceptics question whether Security Council reform is feasible as long as certain members have the **power to veto**. There are also articles and documents on **regional representation**.[26]

Some of the plans have been enlisted in the below mentioned table.

Plans	Description
G4 (Japan, Germany, India and Brazil)	The G4 plans envisage a Council with a total membership of 25, including six new permanent members (Brazil, Japan, Germany, India and two African countries) and an additional three elected seats.
United for Consensus (UfC)	UfC called for a 25-member Council, which would be achieved by adding 'no permanent members to the Council, but would rather create new permanent seats in each region, leaving it to the members of each regional group to decide which Member States should sit in those seats, and for how long'
Ezulwini Consensus	The Ezulwini Consensus represents the Africa bloc and proposes two permanent seats and two additional elected seats for Africa. Under the proposal, the permanent members would be granted 'all the prerogatives and privileges of permanent membership including the right to veto'.

It is important to identify gaps in these solutions and see what are the advantages and limitations of each proposal. Evaluate your proposal accordingly. Feel free to bring new solutions on the table. Use your creativity for the same. We would highly encourage you to think thoroughly about each solution and jot them down. It will act as an important tool for you then.

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[26] https://www.globalpolicy.org/security-council/security-council-reform/membership-including-expansion-and-representation.html

FURTHER LINKS FOR RESEARCH PURPOSES:

http://www.un.org/en/ga/search/view_doc.asp?symbol=A/61/47%28SUPP%29&Lang=E

https://www.theguardian.com/world/ng-interactive/2015/sep/23/un-security-council-failing-70-years

http://www.mpil.de/files/pdf3/mpunyb_fassbender_7.pdf

http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1324&context=bjil

http://www.un.org/press/en/2009/ga10887.doc.htm

http://www.un.org/press/en/1997/19971204.GA9372.html

https://ourworld.unu.edu/en/united-nations-security-council-reform