

Advancing the African position on the reform of the Security Council

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It is perhaps important to highlight two perspectives with respect to how the reform of the Security Council is more often than not, assessed and evaluated – one which is negative and considers the whole effort as almost worthless and essentially ‘unproductive quagmire’ and the other, rather hopeful and ambitious with perhaps a little unrealistic expectation which is rooted in the tendency to understate the obstacles. In fact, as we shall see in due course those obstacles are indeed huge, and nearly insurmountable.

The New Agenda for Peace, which is essentially a sequel to the 1992 Agenda for Peace, makes it all too apparent how much the world has changed in the last thirty-two years. It might not be proper to embellish the early 90s with exaggerated adulation, for it was also a period of the marginalization of Africa, but, no doubt, in terms of peace the world was in a much better situation than today. The security council was also less dysfunctional at the time. Now, we are in a new period which has potentially become more dangerous.

In the New Agenda for Peace, the Secretary General of the United Nations does, among other things, two things which are equally very important. On one hand, he shows how much there is disappointment among nations and people over the failure of governments and international organizations to deliver for

them.

As a consequence, he stresses, lack of trust in the potential of multilateral solutions has been growing. But the Secretary-General doesn't stop there and is far from proposing that we wallow in despair. There could be a way out of this situation which nonetheless can be achieved only if the benefits of international cooperation become tangible and equitable, and states manage to overcome their division and seek pragmatic solutions to their problems. This is essentially a call for new multilateralism which, as he says, 'demands that we look beyond our security interests' and can be 'pursued only alongside sustainable development and human rights'. Then the Secretary-General makes in the same New Agenda for Peace a very important point which makes the focus on the reform of the Security Council so critical. The following is what he says and deserves to be cited in full:

'Building this new multilateralism must start with action for peace; not only because war undermines progress across all our agendas, but because it was the pursuit of peace that in 1945 united states around the need for global governance and international organization.'

As was said earlier, and as has now become universally accepted, the Security Council has become dysfunctional. Even earlier, the Council has never been fully functional. It is to be recalled that at the height of the Cold War, efforts to avert crisis leading to war, which would have been suicidal was handled through bilateral contact and negotiation between the two Super Powers of the day whereby third parties and the United Nations were mere spectators. One recalls the October 1962 Cuban Missile Crisis.

But, no doubt, the very philosophy and principle underpinning the special mandate of the Security Council as it relates to the Permanent Five and the veto power allows those countries

to enjoy special privileges. At the creation of the United Nations and the drafting and approval of the Charter, it was felt that those privileges accorded to the Permanent Five though indicating asymmetry among member states, nonetheless helped maintain the peace and contributed to protecting the security of all.

The question now is, does this continue to be the case? Does the special privilege the Permanent Five continue to have help maintain peace and promote security? Or is it the case that what we see is in fact the opposite and that the Permanent Five far from contributing to peace and security have indeed become the source of the problem.

It is thus impossible to deny that there is a clear anomaly here which would have called for action if such action were to lead to the resolution of the problem. But under the circumstances, the hands of member states are tied by Article 108 and 109 of the Charter which make it impossible to amend the Charter without the consent of the Permanent Five. Article 109 allows the convening of a General Conference by a two-thirds vote of members for reviewing the present Charter, but as in Article 108, any change of the Present Charter requires agreement by all members of the Security Council.

What is aggravating the whole problem is the fact that those from whom so much is expected for peace are seen to do very little and, in fact, have become a bane for peace. In what is becoming very alarming, the situation continues to deteriorate and global goods are becoming bereft of reliable custodians. In the meantime, we realize that efforts are continuing at the United Nations by various groups among whom are the Africa Group, the group calling itself United for Consensus and the Group of Four, to promote their interests by securing positions in the Security Council that would allow them have greater voice.

At the end of the day, for most, perhaps unlike the Africa

Group, the interest in having greater voice in the Security Council is in most cases a matter of prestige. There is also, no doubt, the possible potential reform of the Security Council has drawn the attention particularly of the Permanent Five, regarding the implication of the expansion of the membership of the Council for geopolitical matters and the balance of forces. Consequently, whatever is said by member states, particularly by the Permanent Five without exception, what is most prominent behind those statements is consideration of national interest. That is bound to make it very difficult for Groups such as the Africa Group for whom the reform of the Security Council is indeed of great importance to make real progress. This is going to require Africa to be wise, realistic and practical as it pursues its interest via the reform of the Security Council.

It might indeed be very fruitful to consider how Africa could take advantage of the situation if it found itself within a Security Council that has undergone through reform. Well, it all depends, among other things, on the kind of reform that the council might have gone through. With the situation of the Security Council remaining the same and the same Permanent Five wielding the same power, it is very difficult to imagine that there would be much difference in the situation from what it is today. But this perhaps deserves a closer look.

The Ezulwini Consensus is a common Africa position on the reform of the Security Council adopted in 2005. It calls for democratizing the Council and expanding its membership. The specific demand on the part of Africa is for two permanent seats and additional three non-permanent ones.

It is perfectly possible and legitimate to raise issues surrounding matters regarding the implementation of the demand, provided that the initial obstacle is overcome, i.e., there is consensus on accepting the Africa demand. What is important, first of all, is the acceptance of the legitimacy of the demand by Africa in light of its democratic nature and

also given the totally dysfunctional nature of the Security Council at present, with little prospect that it would improve. When judging the Africa request it is very critical to consider how much effectively the present Council has assisted Africa to resolve its security challenges. The mantra or the phrase, African solutions to African problems, may not be fully in line with the principle of universality that underlines the very existence of the United Nations, but, on the other hand, that it might reflect the frustration of Africa at the double standard Africa often faces cannot be ruled out.

What all this seems to suggest is that the outcome document of the Summit of the Future, the Pact for the Future, if it is to be taken seriously, would need to take seriously the African common position. It wouldn't help to focus on the potential weakness of the common position which can be rectified in due course. Obviously, as already indicated, the likelihood that the Permanent Five would allow amendments of the Charter to proceed, despite the creation of the impression to the contrary, is nearly zero.

Under these circumstances, one course of action that should be considered is the convening under Article 109 of the Charter, of a General Conference of the members of the United Nations for the purposes of reviewing the Charter. This can be done at a date and place to be fixed by a two-thirds vote of members of the General Assembly and by a vote of any nine members of the Security Council. But then paragraph 2, of the same Article 109 requires the recommendation of the Conference to be ratified by all Permanent members of the Security Council. It seems no matter what we do, it appears that the hands of Africa would continue to be tied as far as finding a way out of this predicament.

But the advantage of the review conference is it might help to hold the feet of the Permanent Five to the fire, thus making it difficult for them to pretend to be supportive of the

reform without actually doing so. But all the same, it might be useful to stress that the idea of the General Conference may need to be pursued seriously, including with the view to ensuring the idea to be included as part of the Pact for the Future.

However, there is a need for an important caveat here. What Africa needs to consider very seriously is what it needs to do to sort out its internal problems, both at individual country level as well as at the multilateral level, both at continental and regional levels. Let us be honest, we are not in good shape in all those levels. Our demand, our wishes and recommendations would be taken seriously when we also work hard in putting our house in order.

There is a lot of work that needs to be carried out in this regard. There is no other way to ensure that our interests are promoted.

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