

Can Elected Members Make a Difference in the UN Security Council? Australia's Experience in 2013–2014



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The UN Charter gives the Security Council the extraordinary function of being responsible for international peace and security. Although the Permanent Five members are disproportionately powerful, there is nevertheless scope for elected members to influence the Council's decision-making processes during their short two-year terms. This article uses Australia's membership in 2013 and 2014 as a case study to examine why states seek election to the Council, means through which they can strengthen their influence, how they can navigate P5 power, extents of their success in achieving their objectives, and how the effectiveness of both elected members and the Council as a whole could be improved. Despite the substantial constraints facing elected members, those that are imaginative and industrious can nevertheless make influential contributions to achievement of the Council's purposes. Keywords: Security Council, elected members, Australia.

THE CHARTER OF THE UNITED NATIONS GIVES THE SECURITY COUNCIL "PRIMARY responsibility for the maintenance of international peace and security."¹ This awesome task is extraordinarily complex and difficult. Yet the Charter also gives the Council formidable powers, one of which is to make decisions that are legally binding on all UN member states.² This revolutionary innovation resulted from failures of the League of Nations and the consequent catastrophe of World War II.³ This means that when nine Security Council members agree, and there is no dissent by any of the veto-wielding Permanent Five members (China, France, Russia, the United Kingdom, and the United States—the P5), there are few limits to what the Council can do.⁴ There has been no other body in history with such potential power.⁵ When peaceful means have failed, Chapter VII of the Charter gives the Council the capacity to authorize coercive measures that include sanctions and the use of force to enforce its decisions.⁶

Yet despite the Security Council's great potential power, questions persist about its effectiveness, accountability, composition, and legitimacy. In this article, we use Australia's Council membership in 2013 and 2014 as a case study to examine the opportunities and constraints facing the Council's ten elected members (the E10), and the extent to which they can contribute to achieve-

ment of the Council's purposes. UN member states continue to compete for elected membership. What motivates them? To what extent are the E10 able to express concerns and pursue initiatives in the face of the dominance of the P5 in shaping the Council's agenda and determining its decision-making outcomes? How successful are they in achieving their goals once elected? How might the E10 improve both their own and the Council's effectiveness?

In this article we argue that, despite considerable constraints, imaginative and industrious E10 members can nevertheless make influential contributions to the Security Council's decision-making processes during their two-year Council terms. The article proceeds as follows. First, we discuss Australia's motivations for seeking election to the Council as well as the campaign strategies it employed to secure election. Next, we examine the extent to which Australia was able to pursue and achieve its objectives once on the Council. Then, we explore how Australia navigated the constraints of elected membership, in particular P5 power. In the conclusion, we draw together ways in which elected members can enhance their effectiveness.

Australia's Motivations and Campaign Strategies for Seeking Council Membership

Membership of the most powerful UN forum is an intensely sought goal among member states. In March 2008, shortly after the December 2007 election in Australia of a tentatively social democratic Labor government, Prime Minister Kevin Rudd announced Australian candidature for election to the Security Council for 2013–2014. Australia had been a Council member four times previously, but not since 1985–1986.⁷ The bid was considered risky because Australia had campaigned for a term in 1997–1998 and lost to Sweden and Portugal.⁸ Yet most of the reasons for that failure were no longer relevant in 2008. They included antagonism with France about Pacific nuclear testing, disagreement with India about the Nuclear Test Ban Treaty, and the style of the Australian ambassador.⁹ The major risk on this occasion was that Finland and Luxembourg had entered the race several years before for the two E10 seats available to the Western Europe and Others Group (WEOG) in 2013–2014. Indeed, it was understood that, through six years of campaigning, they had already secured pledges of votes from a significant number of countries. This meant that Australia was effectively seeking the required threshold of two-thirds of member states, (i.e., 129 votes) from substantially fewer than the full membership of 193.

Kevin Rudd's Motivations

Rudd explained the rationale for the bid most fully in June 2011, after he had been displaced as prime minister by Julia Gillard, who had then appointed him as foreign minister. First, Rudd said that the end of the Cold War had made the Security Council “more relevant, active and interventionist in global and regional security challenges than at any previous time in its history.” Second, the

Council was directly relevant to Australian security interests in Afghanistan, East Timor, Bougainville, and the Solomon Islands. Third, Australia could bring “formidable assets” to the table. Fourth, by January 2013, it would be twenty-seven years since Australia had been a member. Finally, membership would enable Australia to make a difference—to bring to bear “a combination of our values, our interests and our significant national capacities.”¹⁰

Rudd’s critics claimed that Australia’s bid for Security Council membership was motivated by personal ambition. It is revealing that while the Australian Department of Foreign Affairs and Trade (DFAT) supported the nomination, its preference was to instead run in 2018, giving Australia ample time to prepare its campaign and secure the necessary 129 votes. However, it is likely that Rudd’s motivations extended beyond the personal. The Australian Labor Party has been a strong supporter of the UN since the minister for external affairs, Herbert Evatt, was an active and influential participant in the 1945 San Francisco Conference that created the UN. This commitment to multilateralism has remained a central feature of the Australian Labor Party’s foreign policy, which Rudd was seeking to implement.¹¹ Of course, he undoubtedly preferred to campaign for Council membership at a time when he expected to be prime minister. His June 2011 speech shows that he perceived the nomination as a step toward strengthening Australia’s and, therefore, his own international influence. It is an open secret that he harbors ambition to be UN Secretary-General. Since the government that he returned to lead lost the national election in September 2013, he has campaigned actively for the position, although he has been cautious about his prospects.¹²

Opposition to the Campaign

When Australia’s nomination was announced, the leader of the opposition conservative Liberal National Party coalition (LNCP), Tony Abbott, argued that it was a waste of money and diplomatic effort, too risky, a distraction from more important bilateral relations, and pointless because the Security Council was ineffective. In July 2010 Abbott said that, if he became prime minister, he would abandon Australia’s bid for election to the Council because “it was not a good use of taxpayers’ money.”¹³ Abbott’s opposition recalled the hostility to multilateralism that had become prominent under previous LNCP prime minister John Howard (1996–2007), who mimicked the stances of US president George W. Bush’s administration on many issues, including supporting the US push to intervene in Iraq in 2003. However, this hostility toward Australia’s candidature was not uniform among conservative members of parliament, with some continuing to be as supportive of multilateral engagement as most members of their parties had been in earlier decades.

Campaigning

Australia conducted an energetic and strategic campaign. During the campaign, those who held the offices of prime minister (Rudd and Gillard) and foreign minister (Stephen Smith, Rudd, and Bob Carr) were all active advocates.

Early in his prime ministership, Rudd had announced an aid target of 0.5 percent of gross national income (GNI) by 2015 and in his two budgets made significant increases in official development assistance. Gillard, who replaced Rudd as prime minister in July 2010, continued that trend, though more cautiously in the wake of the global financial crisis. In October 2010, when Australia's campaign intensified, then foreign minister Rudd announced the appointment of three dedicated special envoys "to strengthen relations with a range of countries and deepen our dialogue with them on key global challenges."¹⁴

Australian diplomats organized a strong program of events both abroad and at home showcasing Australia's contributions to peacekeeping, development, and Rudd's apology to aboriginal people for forced removal of children. As part of that program, Australia brought more than 100 permanent representatives of UN member states from New York to Australia on familiarization visits. This was a savvy initiative as it would be permanent representatives who would cast their countries' votes in the secret ballot at the UN in October 2012. Moreover, many of these visitors had previously known little about Australia and were reported to have been struck by its cultural diversity, wealth, and sophistication. Australia also benefited from being located far from Europe, thus offering member states the opportunity to diversify both the geographic and the political focus of their vote for a WEOG E10 member. Some African countries were impressed by the interest of Australian mining companies in exploration and investment in their countries. Critically, no regional bloc worked against Australia. To the surprise of most observers, in October 2012 Australia ultimately secured 140 votes in the first round of voting in the Security Council elections, representing a clear victory.¹⁵

Influencing Security Council Outcomes as an Elected Member: Australia's Experience

The substantial challenge of winning election to the Security Council pales into insignificance when compared with the difficulties that elected members face in achieving their strategic objectives on a body whose agenda and decision-making processes are dominated by the P5. The question of how E10 members navigate P5 dominance is taken up in the section *Navigating P5 Power*. In this section, we explore Australia's record in seeking to influence Council proceedings.

Constraints and Opportunities

Elected members face various constraints in their attempts to influence outcomes. The greatest constraint, of course, is the fact that they must pursue their objectives on the Security Council without the veto trump card that enables the P5 to exercise substantial control over the direction of Council decision-making at critical moments. Moreover, few elected members have institutional

memory of participating on the Council, rendering them vulnerable to procedural out-manoeuvring by the P5. On top of this, many E10 delegations have limited human and financial resources to support their activities on the Council. Nevertheless, barely two months after election, new members are thrown in the Council's deep end and expected to swim.

When Australia assumed its Security Council seat on 1 January 2013 with a modestly expanded team, it joined a body that had been radically transformed since it last held a seat during the Cold War. In the 1980s, the Council adopted approximately 20 resolutions per year.¹⁶ In contrast, during 2012 alone, the Council adopted 53 resolutions and 29 presidential statements, issued 77 press statements, and held 199 formal meetings and 175 informal meetings (consultations) of the whole, meaning that on average it met in plenary more than once on each working day.¹⁷ The scale, pace, and range of the Council's decision-making processes are now so demanding that one Australian delegate described the experience of joining the Council as akin to arriving at a dinner party where forty-four separate intense conversations were taking place, and needing to intervene in all of those conversations in a coherent and informed way. The litmus test of effectiveness for elected members is whether and how they are able to adapt to the constraints and make the most of their limited opportunities to promote their desired outcomes.

In terms of opportunities, elected members can contribute to the Security Council in a variety of significant ways. First, they can broaden and deepen Council discussions by bringing to the table regional and local knowledge about many of the crises requiring Council attention.¹⁸ Second, they can shape the Council schedule when they assume the role of Council president—a position that rotates monthly. For example, as Council president in September 2013 and November 2014, Australia scheduled several important thematic debates; for example, on small arms and light weapons (SALW) and police in peacekeeping, both of which culminated in the successful adoption of the Council's first-ever resolutions on those topics. In Resolution 2117 (2013), which was adopted with fourteen votes in favor and one abstention (Russia), the Council expressed grave concern that the illicit transfer, destabilizing accumulation, and misuse of SALW posed threats to international peace and security and undermined the effectiveness of the Council. It also stressed the need for full and effective implementation by states of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW. In Resolution 2185 (2014), which was adopted unanimously, the Council highlighted the important role that UN Police components can play in building host country policing capacity, resolved to include policing as an integral part of UN peacekeeping operations and special political missions, and agreed to give clear, credible, and achievable mandates for policing-related activities. Third, by convention, E10 members are given responsibility for chairing the Council's subsidiary organs. Australia chaired three important sanctions committees throughout its Council term: the 1737 Committee on sanctions related to Iran's

proliferation-sensitive nuclear activities, the 1988 Committee on sanctions against the Taliban, and the 1267/1989 Committee on sanctions against Al Qaida . Finally, Australia inherited from outgoing member Germany the rare privilege for an E10 country of being the “penholder” on a country-specific agenda item, thus enabling it to shape and drive the drafting process for resolutions on Afghanistan.¹⁹

Australia's Objectives

During the Security Council election campaign, Australian officials emphasized five themes: security and development, conflict prevention, protection of civilians, increasing the role of regional organizations, and aiming to strengthen the transparency and accountability of the Council. Australia's campaign slogan was “We do what we say” and its campaign literature emphasized that if elected Australia would seek to represent small and mid-level countries. The website for Australia's Council membership ran the byline “Australia: Making a difference for the small and medium countries of the world.”²⁰ These were appropriate general themes, but they did not articulate specific objectives to be pursued or concrete steps to be taken. Once elected, the Australian UN mission set up a policy development process to address issues on the Council agenda and to prepare briefs on priority issues.²¹ As Ambassador Gary Quinlan recalled in his final wrap-up statement, “Australia came on to the Council convinced that elected members should contribute across the whole Council agenda.”²²

Australia's Major Initiatives

Australian diplomats were active participants across the full range of the Security Council's deliberations on the situation-specific and thematic items on its crowded agenda. To identify how and when Australia was able to influence Council outcomes as an elected member, we focus here on three issues that Australia prioritized during its term, thus expending considerable diplomatic capital with the aim of achieving specific results. These three issues were taking action following the shooting down of Malaysian Airlines Flight MH17, ameliorating the humanitarian crisis in Syria, and strengthening sanctions implementation.

Resolution 2166 on Malaysian Airlines Flight MH17

The downing of Malaysian Airlines Flight MH17 over eastern Ukraine on Thursday 17 July 2014 that killed 298 civilian passengers and crew caused widespread international horror. There was shock and grief in Australia for the thirty-eight fellow residents killed by what was probably a ground-based missile attack. The government swiftly decided to draft and seek support for a Security Council resolution calling for an immediate cease-fire surrounding the crash site and a comprehensive international investigation leading to a process that would hold accountable those responsible for the destruction of MH17.

Australia resolutely pursued this objective, despite the reluctance of the United States and United Kingdom to take the lead on such a resolution and of Russia to support one. Australia's foreign minister flew to New York to lead negotiations on text of the draft resolution with other Council members. After various pragmatic compromises, including deploring the disaster as a "downing" rather than the result of an attack, Resolution 2166 (2014) was adopted on Monday 21 July, just four days after the crash. The resolution demanded immediate access to the site by international independent investigators, dignified and professional recovery of bodies, restraint from destroying or moving wreckage, and halting of military activities in the area. Given the hesitation of other Council members to pursue urgent Council action on MH17 it is no exaggeration to say that, without Australia's strong motivation and determination, Resolution 2166 would not have been adopted. This represents a clear example of an elected member successfully influencing a Council outcome that served its own national interests.

How was Australia able to achieve this outcome? The main reason was its ability to gain diplomatic support for the draft resolution from a wide range of stakeholders both within and outside the Council. Australia had worked hard to build constructive working relationships with P5 and other E10 members during the preceding eighteen months, which undoubtedly helped it to achieve such quick action. It is noteworthy that neither of the preceding two incidents involving the shooting down of civilian planes led to such quick Council action. After Korean Airlines Flight 007 with 269 people on board was shot down in 1983 by a Soviet fighter plane, the Soviet Union vetoed a draft resolution. When a US Navy missile cruiser shot down Iranian Air Flight 655 in 1988 killing 290 people, negotiation of a Council resolution took seventeen days.²³ The presence of Australia's foreign minister in New York also added political weight and momentum to Australia's proposals. The resolution on MH17 was the only occasion during the two years of Australia's term when its activity on the Council generated widespread Australian media attention and, unsurprisingly, it was favorable. This swift response demonstrated to previously hostile Prime Minister Abbott and many of his party the domestic political value of Council membership.

Sanctions Implementation

Throughout its term, Australia prioritized the issue of sanctions implementation. Australia's strong commitment to this issue originated from the embarrassing "wheat-for-weapons" scandal that unfolded under the UN Oil-for-Food Programme (OFFP) that sought to mitigate the civilian impact of comprehensive sanctions against Iraq in the 1990s. The 2005 Independent Inquiry Committee into the OFFP (Volcker Committee) revealed that the Australian Wheat Board (AWB) had paid a total of US\$221.7 million in side payments to the Saddam Hussein's regime, representing more than 14 percent of funds illegally collected by Iraq under its OFFP kickback schemes, to se-

cure the transport of Australian wheat under the OFFP.²⁴ This embarrassing scandal led to the establishment of a Royal Commission into the AWB affair and prompted considerable soul-searching in the Australian government about how to ensure that Australian companies would not again engage in behavior that violated UN sanctions regimes. The Australian parliament subsequently adopted a range of legislation with the goal of improving adherence to UN sanctions regimes.²⁵ Australia has since prided itself on having created a best practice system of domestic implementation of UN sanctions.

As a Security Council member Australia cosponsored, with Finland, Germany, Greece, and Sweden, a High-Level Review (HLR) of UN sanctions from June to October 2014.²⁶ Australia then launched Council discussions on improving coordination and implementation of sanctions in November 2014. By then, there were fifteen situations to which the Council had applied sanctions, more than ever before.²⁷ Australia drew on this report to draft a resolution for Council consideration, which proposed the establishment of a Policy and Coordination Unit to identify best practices, to mobilize experts to assist with sanctions implementation, and to provide technical assistance to member states on sanctions implementation. The draft was deliberately not controversial but, though negotiation continued into December, agreement had not been reached by the end of the year.²⁸ This was a risky initiative to pursue, particularly in light of the non-UN sanctions that were in place against P5 member Russia at that time by the United States, the European Union, and even Australia itself following the Crimea and eastern Ukrainian crises.²⁹ Nevertheless, Australia pushed ahead with its plans to put the resolution to the vote during its final two months on the Council, only deciding to withdraw the draft when it became clear that Russia was determined to secure so many concessions to the original text that it would have been virtually unrecognizable. An upbeat reading of Australia's sustained pursuit of the sanctions implementation initiative is that it symbolized a confident E10 member at the height of its powers, pursuing the path of principle despite the ever-present threat of the Russian veto. While a resolution was not achieved, the HLR process had already succeeded in diagnosing weaknesses in sanctions implementation and proposing strategies to resolve those shortcomings. A more critical assessment, however, is that Australia could have made more productive use of its diplomatic capital during its twilight months on the Council, given that it was almost inevitable that Russia would play the role of spoiler.

Humanitarian Action on Syria

During Australia's Security Council term, Syria was the site of the world's greatest humanitarian disaster. The Council's intensely criticized deadlock over the Syrian civil war was tackled again under Australia's presidency in September 2013, over whether the Bashar al-Assad regime's use of chemical weapons against its own citizens justified a US retaliatory aerial strike. However, a Russian initiative led to a meeting in Geneva between Russian, US, and

Syrian foreign ministers who swiftly agreed on a detailed plan for the speedy accounting, inspection, control, and elimination of Syria's arsenal of chemical weapons. Negotiation between the United States and Russia about a Council resolution began immediately. Resolution 2118 (2013), adopted unanimously on 27 September, authorized the Council to consider further steps if Syria failed to implement the plan. Imaginative, preventive diplomacy reinforced by the threat of a military strike was successful whereas US military action without Council authorization would have had incalculable costs. As Council chair, Australia had facilitated cooperative negotiation and made comments that led to minor modifications of the resolution. US permanent representative, Samantha Power, opened her evaluative speech for the month by saying that the Australian permanent representative Quinlan had done "a magnificent job" of chairing the Council that month. A Russian diplomat was also reported to have privately praised Australia because of its "pragmatism."

One immediate result was the adoption on 2 October of a presidential statement on humanitarian access to Syria, for which Australia and Luxembourg had been campaigning for several months.³⁰ The statement urged all parties to cease violations of humanitarian and human rights law; to allow free passage to all areas for medical personnel and supplies; to allow demilitarization of medical facilities, schools, and water stations; and that all member states respond swiftly to UN appeals for humanitarian assistance. However, the heroic UN coordinator for humanitarian affairs, Valerie Amos, reported early in December that there had been no progress in gaining access to besieged areas, in the protection of civilians, or in demilitarization of schools and hospitals. During 2014 the Council met twenty-nine times about Syria, often because of the al-Assad regime's unrelenting obstructiveness of humanitarian action.³¹ Australia, Luxembourg, and Jordan continued to draft and advocate action, successfully leading the Council to adopt three more resolutions. Resolution 2139 in February demanded "humanitarian access for humanitarian workers across conflict lines, in besieged areas and across borders."³² Resolution 2165 in July authorized delivery of aid across specific borders and conflict lines without Syrian consent, and Amos recounted in late August that there had been some improvement in aid deliveries and access to particularly deprived areas. Resolution 2191 in December extended these provisions for another year. However, Amos reported that same month that "brutality, violence and callous disregard for human life [are] the hallmark of the Syrian crisis. The death toll is conservatively estimated at 200,00 people. There are 7.6 million internally displaced persons and 12.2 million require humanitarian assistance."³³

So, despite sustained diplomatic effort by Australia and other E10 and P5 members, only marginal progress was made in addressing the Syrian catastrophe. Australia seriously undermined its credibility by announcing substantial cuts to aid in 2014, totaling a third. Oxfam estimates that if Australia were contributing a fair share of the crisis assistance needed in Syria, it would have given A\$106 million in 2014, but instead it gave A\$30

million.³⁴ Caribbean countries that had been encouraged to vote for Australia's election to the Council by the promise of increased aid, which the Rudd government had started to deliver, felt betrayed. "We thought you would abandon those promises," they said despondently.

These three examples demonstrate that, while Australia was an active and energetic E10 member, its ability to shape and influence Security Council outcomes was constrained. The clear case in which Australia could claim that it secured a result, and one which might not have been achieved but for its intervention, was Resolution 2166 (2014) on the MH17 downing. In relation to Australia's efforts on strengthening sanctions implementation and ameliorating the disastrous humanitarian crisis in Syria, however, Australia found it as difficult as other Council members, elected and permanent, to make a significant contribution in the face of obstruction by one or two P5 members. Richard Gowan wrote in mid-2014, prior to the downing of MH17, that Australia had "relatively little influence on situations—ranging from Afghanistan to Mali—on which bigger powers have greater say."³⁵ However, in recognition of the significant obstacles that Australia was able to overcome to bring valuable resolutions to fruition, including by the time of Gowan's commentary Resolution 2117 (2013) on SALW, some observers had described Australia's efforts as "niche and nudge diplomacy."³⁶ Gowan concluded that Australia had "the tactical dexterity to play with the P5 at the UN."³⁷ In sum, Australia succeeded in prompting and driving Council action on one issue (MH17), and widened and deepened Council engagement on SALW and police in peacekeeping. Australia's efforts to strengthen effectiveness of sanctions and (with all member states) to address the horrors of the Syrian war were less successful.

Navigating P5 Power

The principal constraint on activities by elected members remains the dominance of the P5. Despite the first of the UN's seven foundational principles being the sovereign equality of UN member states, the creation of two categories of Security Council members fundamentally undermines this purported equality.³⁸ Indeed, as Colin Keating emphasizes, "within the United Nations, the structure and the culture of the Security Council seems to . . . actually accentuate or magnify the differences in power between its members."³⁹

The Power of the P5

The United States attempts to control any issue with which it chooses to seriously engage. This ambition extends even to relations between the P5, including those with its allies Britain and France. David Malone wrote in 2004 that "perhaps the key driver in Council decisions today, both actively and passively, is the agenda of the United States. This has raised questions about the extent to which the Council can resist (beyond the Iraq issue) the 'pull' of U.S.

policy preferences.”⁴⁰ Americans’ sense of global responsibility can have great value, but it can also lead to excess, as was vividly revealed by Edward Snowden’s exposé of the hubris of US secret intelligence services.

A significant indicator of the beginning of the end of the Cold War was the thaw in relations among the P5, whose representatives began to meet regularly, informally, and privately.⁴¹ This widening space for cooperation in the maintenance of international peace and security led to a reinvigoration of the Security Council through the 1990s. While tensions surrounding the 2003 Iraq War left a legacy of P5 division over certain issues, tensions that have been intensified by Russia’s veiled aggressiveness in the Ukraine, China’s territorial claims in the East and South China Seas, and US assertiveness in response to both, the P5 nevertheless remain a dominating bloc when their national interests do not conflict.

The P5 are also the principal gatekeepers of procedure, enabling them to control whether, where, and how Security Council deliberations and decision-making unfold. Council procedures can be used by P5 members to prevent the Council from discussing controversial conflict situations, or to prevent matters from being discussed in open session. Indeed, on issues of mutual concern the P5 continue to collaborate closely, often initiating negotiations between themselves before opening up discussion to the E10. As Keating explains, “On major issues the Council has become a vehicle either for political theatre, when the P5 cannot agree, or a tool for the ratification and formalisation of decisions already privately agreed by the P5.”⁴²

The ability of the P5 to dominate the Council’s processes is due to their military and economic power, more than their possession of the veto. The threat of the veto—the closet veto—is often, though, an effective means for achieving desired outcomes. Moreover, if the P5 can agree on a draft resolution, then they need to convince only four nonpermanent members to vote with them to secure its adoption. It is also true, however, that seven elected members voting together can prevent adoption of a resolution. Some decisions are allowed simply because of E10 passivity. The E10 are sometimes too reluctant to assert principles or even their interests. Yet the United States and other P5 members do not always win. Despite employing a range of political, economic, financial, and personal pressures, the United States was unable to persuade a majority of Council members to support the invasion of Iraq in 2003. In any case, 94 percent of resolutions between 2000 and the end of 2013 were adopted by consensus.⁴³

E10 Strategies to Navigate P5 Power

The specter and reality of P5 power can be extremely intimidating for E10 members. Even the most powerful E10 members, such as India and Brazil, which started their 2010–2011 terms with high expectations, have left the Security Council discouraged.⁴⁴ Keating reports that “many representatives of these countries have subsequently expressed frustration at their collective in-

ability to loosen the P5 stranglehold.”⁴⁵ The representatives concluded that there was no third way between the wishes of the P3 and those of Russia and China, and that there was little scope for the E10 to increase their influence. They report having tried more nuanced approaches without significant success. This in turn can disillusion their principals in capitals. The Indian ambassador complained that a key problem for him was in getting the attention of his department in Delhi.

Yet despite these frustrations, some industrious E10 members have developed techniques to navigate P5 dominance and open up space for their own contributions. One area of particular focus is on improving the Security Council’s working methods. Unsurprisingly, permanent members are wary of proposals to reform the Council procedures that enable them to dominate Council decision-making. In May 2012, the P5 pressured the group of five small countries (S5) into withdrawing a General Assembly resolution to strengthen the Council’s accountability, transparency, and effectiveness.⁴⁶ In 2013, a new group of twenty-two small and medium states emerged to work for Accountability, Coherence and Transparency (ACT), so far with only limited success.⁴⁷ During its term, Australia attempted to increase the Council’s openness, transparency, and accountability. Most meetings during the months that Australia chaired were open. The concept notes prepared to provide background for discussion on policing and sanctions encouraged Council members “to respond to the presentations they have heard,” rather than rely entirely on pre-scripted statements. At each meeting, experts were invited to address the Council, some from outside the UN system. Transparency continued to improve through more detailed and public reporting. The modest Australian example, which involved both following and leading others, further entrenched useful procedural modifications in Council style.

One valuable source of support for elected members is Security Council Report, the New York–based nongovernmental organization that is dedicated to providing high-quality, real-time analysis of Council developments. Security Council Report produces a treasure trove of information on past, present, and likely future developments, including through its monthly forecast and its nearly daily blog on forthcoming negotiations entitled “What’s In Blue.”⁴⁸ While the information stored and analyzed by Security Council Report and made available to elected members may not always substitute for the decades of past Council experience that inform the negotiating strategies of the P5, it nevertheless provides a highly valuable reservoir of virtual institutional memory on which the E10 diplomats (and probably those from the P5) repeatedly draw.

In the Security Council itself, nonpermanent members can maximize their influence by cooperating with like-minded countries on given issues. Other methods are to bring government ministers and other high-level representatives from the national capital on issues of particular importance to that dele-

gation, to schedule meetings on chosen situations or themes during their presidency, and to use some of the less formal meeting options to raise Council awareness and promote creative decisions. In 2014, seven Arria-formula meetings were held (voluntary meetings held outside the Council Chamber addressed by experts) and seven informal interactive dialogues were also conducted.⁴⁹

In recent years, Brazil and Germany have provided examples of how elected members can navigate the constraints of elected membership. Brazil made considerable headway with its 2011 proposal on Responsibility While Protecting (RwP).⁵⁰ (See Kenkel and Stefan's article in this issue.) German membership in 2011–2012 was notable not only for its unexpected abstention in the vote on whether to intervene militarily in Libya but also because, as Gowan writes, "Its priorities included finding technical solutions to existing problems . . . and trying to raise the Council's awareness of new threats (such as climate change)."⁵¹ In relation to Afghanistan, Germany orchestrated the division of sanctions regimes applied to the Taliban and al-Qaeda, which had previously been lumped together despite their wide differences. This was necessary for reducing an impediment to political contact with the Taliban. Germany also used its presidencies during its 2011–2012 term to promote debate about the security implications of the high priority issues of climate change and a resolution on children and armed conflict. In each of these initiatives Germany was pushing "gently," as Gowan concludes, by trying to be an agent of gradual change. He writes that its term was "characterised by honest and honourable efforts to make the UN work better."⁵²

There are a number of other significant reasons why elected members have some scope for initiative. The E10 have more flexibility and less baggage than the P5. They are not as locked into political contests between the big powers or previous negotiating positions that could curtail their options. The E10 have greater freedom for maneuver. They bring fresh knowledge and different interests. Some of the E10 have been responsive to the professional non-governmental organizations (NGOs) that, in turn, have been allies in influencing the political climate within which issues are debated. As the underdogs, the E10 can more easily mobilize political support of many countries and popular movements.

Evaluating Australia's Experience

Australia had various advantages as an E10 member. As the thirteenth-largest global economy, with average annual individual income close to US\$38,000, Australia has a firmly established, professional diplomatic service. The mission in New York could valuably have been larger, but a photo of all staff—security officers and professionals, interns and diplomats—taken at the end of the term shows forty people. The mission was outstandingly led by Ambassador Quinlan and Deputy Ambassador Philippa King, who worked hard and co-

operatively with each other and networked effectively with other missions and the Council Secretariat. The department in Canberra and the mission began to prepare for membership before the election. Once elected, DFAT created a UN Security Council Task Force, containing officers dedicated to supporting Australia's participation on the Council.

The strength of Australia's alliances with two of the most influential P5 members—the United States and the United Kingdom—was a significant advantage. These not only strengthened Australia's negotiating leverage, but sometimes also enhanced its boldness. This also led to occasional obsequiousness to US preferences. Australia's final action in its term was to acquiesce with US support for Israel's continued repression of Palestinian autonomy by opposing Jordan's draft resolution setting out steps toward a two-state solution to the conflict. This was striking because it saved the United States from using the veto yet again; the United Kingdom was one of two abstainers, and France was one of the eight members that supported the resolution.

Ambassadors from Argentina, China, Guatemala, Jordan, Nigeria and South Korea were among those who praised the professionalism, commitment and hard work of the Australian diplomats. The British permanent representative said that Australia had had the greatest impact of any elected member during the past decade, and others commented that the Australian diplomats were bold risk takers who stood up for global values and interests. Perhaps one reason why Australia was able to develop a reputation as an effective elected member was its relative national economic strength compared to the other E10 members on the Security Council during its term. None of the other E10 members could claim to be anything more than a middle power, unlike the cohort of elected members that was on the Council in 2010–2011, which included Brazil, India, and Germany. This undoubtedly enabled Australia to assume greater responsibilities and play a more prominent role than if it had shared the Council table with such heavy-hitting E10 members.

Hugh White, a professor of strategic studies at the Australian National University, argued in a column evaluating the foreign policies of the Rudd and Gillard governments in *The Melbourne Age*, in October 2013 that winning a seat on the Security Council had made no difference for Australia “or for anyone else.”⁵³ The real action, he wrote, involved the shift in power away from the United States and toward Asia. But the dichotomy that White drew between the UN's “trophy diplomacy” and the “real diplomacy” of the nations that count was false. On the one hand, there is no other position from which Australia could possibly have helped its US ally more effectively than as president of the Council during the debate over Syrian use of chemical weapons. On the other hand, as the United States slowly cedes relative power and influence, no priority is more vital to Australia's security and values than strengthening the UN-centered rules-based world order as the foundation of future prosperity and security.⁵⁴

Improving the Effectiveness of Elected Members

Without resiling from the emphasis on P5 dominance, to a significant degree at least, the influence of elected members is a product of the strength of their own determination. We have already mentioned the E10 passivity and reluctance to assert either principles or even their own interests. Sebastian Von Einsiedel, David Malone, and Bruno Ugarte note in the introduction to their authoritative book on the Security Council:

Deference to the P5 extends even to their near-automatic inclusion in other UN elected and appointed bodies as well as a presumption of their precedence over that of other countries in UN protocol, all of which could be challenged by other member states but rarely has been. Thus, complaints about the P5 by other states in the absence of any challenge to their privileges extending way beyond the Security Council itself, often strikes observers as pointlessly whiny.⁵⁵

Though elected members are constrained, they can have significant influence if they have clear goals; their mission is adequately funded and staffed; they recognize the imperative of choosing priorities, preparing carefully, and engaging actively in dialogue with other member states; and they are lively unpretentious networkers in partnership with other Council members, elected and permanent. There is widespread recognition of the substantial impetus from elected members for thematic and normative additions to the Council's agenda and output.

One simple administrative change that will strengthen E10 effectiveness is the UN General Assembly's decision in September 2014 to hold future elections to the Security Council 'about six months before the elected members assume their responsibilities, beginning at the seventieth session [of the Assembly]'.⁵⁶ The approach up until now of holding the elections in late-October allowed little time for detailed preparation for membership in just over two months. As Edward Luck has noted, many elected members complain about "how long it takes to get to know the Council's culture and procedures, and how little time is left to make a real contribution."⁵⁷ Bringing the election process forward by six months is a welcome step as it will give elected members additional time to prepare for the demands of Council membership. Yet scheduling the election date even earlier, for example twelve months or two years prior to membership, would enable future incoming members to prepare and position themselves to contribute fully to the Council from the moment they assume their seats.

Arguably the opportunities for the E10 are greater than are normally recognized. E10 members can propose resolutions and other statements, initiate agenda items, suggest principles and norms, preside over the Council for one month in fifteen, and chair subsidiary committees. They can also form net-

works with like-minded members and, in collaboration with six other elected members, can prevent adoption of P5-sponsored resolutions. In effect, they also have a veto in subsidiary committees on issues such as sanctions because of the consensus decision-making convention there.

The central issue is their perceptions of their national interests. National interests are complex to discern and are often matters of political controversy. The articulated interests of political parties and of economic and social groups within countries differ and they depend partly on the distribution of power and the ideology of the government. The central issue for most countries, however, is what strategy will do most to ensure their security. But that is commonly a matter of widely different judgments. According to Andrew Cooper, Jorge Heine, and Ramesh Thakur,

Decision-makers therefore have to strike a balance among the different interests and actors, between domestic demands and international imperatives, between principles and pragmatism, between idealistic values and material interests, between what is the expedient and what is the right thing to do, between the national constituency and the international community, and between the immediate, medium and long term.⁵⁸

Relations with the P5 are issues of vital concern for all other countries. Yet that does not mean that obsequious compliance with their wishes is the most effective form of cooperation with them. Within each of the P5 countries, there also are intense debates about interests, strategies, and policies: they are not monolithic. When elected members take positions that they judge to be in the best interests of the Security Council and the global common good, they stand a greater chance of winning the respect and support of many within P5 countries, whether or not this persuades the key power-holders of the moment. The E10 can have more leverage than they presume. The issue is not only about the extent of courage; it is also about how best to strengthen the long-term interests of every member state through fulfilling the purpose of the Council to maintain international peace and security. 🌐

Notes

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1. UN, UN Charter, Article 24(1).
2. UN Charter, Arts. 24 and 25.
3. Colin Keating, "Power Dynamics Between Permanent and Elected Council

Members,” in Sebastian von Einsiedel, David M. Malone, and Bruno Stagno Ugarte, eds., *The UN Security Council in the 21st Century* (Boulder: Lynne Rienner, 2015).

4. UN Charter, Art. 27(3).

5. David L. Bosco, *Five to Rule Them All: The UN Security Council and the Making of the Modern World* (New York: Oxford University Press), chap. 1.

6. UN Charter, Chap. VII.

7. The previous terms had been in 1946–1947, 1956–1957, 1973–1974, and 1985–1986.

8. Ramesh Thakur, “Australia’s Unsuccessful Bid for the UN Security Council,” *Pacific Research*, November 1996, p. 48.

9. *Ibid.*

10. Kevin Rudd, “Australia’s Bid for a Seat on the UN Security Council,” address at the National Press Club, Canberra, 1 June 2011.

11. Melissa Parke and John Langmore, “Is There a Distinctive Labor Tradition in Australian Foreign Policy?” in Daniel Baldino, Anthony J. Langlois, and Andrew Carr, eds., *Australian Foreign Policy: Controversies and Debates* (Melbourne: Oxford University Press, 2014).

12. James Massola, “Kevin Rudd Quietly Campaigning for UN Secretary-General, Says Inner Circle,” *Sydney Morning Herald*, 17 April 2015, www.smh.com.au/federal-politics/political-news/kevin-rudd-quietly-campaigning-for-un-secretarygeneral-says-inner-circle-20150416-1mmcfi.html, accessed 5 June 2015.

13. Cathy Alexander, “Scrap UN Security Council Bid: Abbott,” *Sydney Morning Herald*, 20 July 2010, <http://news.smh.com.au/breaking-news-national/scrap-un-security-council-bid-abbott-201100720-10itr.html>, accessed 4 January 2014.

14. Australian foreign minister, media release, 12 October 2010, http://foreignminister.gov.au/releases/Pages/2010/kr_mr_101012a.aspx?ministerid=2, accessed 28 July 2015.

15. For a fuller description of Australia’s campaign, see John Langmore, “Australia’s Campaign for Security Council Membership,” *Australian Journal of Political Science* 48, no. 1 (2013): 101–111; several references in Bob Carr’s *Diary of a Foreign Minister* (Sydney, NewSouth 2014) e.g., pp. 191–196 are interesting.

16. Peter Wallensteen and Patrik Johansson, “Security Council Decisions in Perspective,” in David Malone, ed., *The UN Security Council: From the Cold War to the 21st Century* (Boulder: Lynne Rienner, 2004) pp 17–33.

17. UN Department of Political Affairs (UNDPA), *Highlights of Security Council Practice 2014* (New York: UN, January 2015), pp. 1, 7, www.un.org/en/sc/inc/pages/pdf/highlights/2014.pdf, accessed 8 February 2015.

18. Luck, “Security Council at 70: Ever Changing or Never Changing” in Sebastian von Einsiedel, David M. Malone and Bruno Stagno Ugarte (Eds.) *The UN Security Council in the 21st Century*, (Boulder, Lynne Rienner, 2016), pp 195–214.

19. The convention of the penholder has emerged in the twenty-first century as a way of streamlining the Security Council’s resolution drafting process. The vast majority of penholder allocations are given to the P5. For helpful discussion of the practice of penholding, see “Security Council Report, ‘In Hindsight: Penholders,’” *Security Council Report Monthly Forecast (SCRMF)*, September 2013, p. 2.

20. Australian Government, “Australia: United Nations Security Council 2013–14,” <http://australia-unsc.gov.au>, accessed 29 July 2015.

21. The information in the following subsection on Australia’s major initiatives is referenced when from published sources. The rest comes from the authors’ observations of Security Council public meetings in New York, interviews with Australian diplomats in the UN Mission and in Canberra, diplomats in other national missions, Secretariat staff, academics, journalists, and members of NGOs. These sources are not referenced.

22. Gary Quinlan, "Implementation of the Note S/2010/507: Wrap-Up Session," 22 December 2014.

23. Security Council Report, "In Hindsight: The Security Council's Action on Downed Passenger Flights," *Monthly Forecast (SCRMF)*, August 2014, p.2.

24. UN, Independent Inquiry Committee into the UN Oil-for-Food Programme (OFFP), "Report on the Manipulation of the OFFP" (Volcker Report), vol. 1 (New York: UN, 2005), p. 315. For analysis of the AWB affair from a legal perspective, see Kevin Boreham, "'A Delicate Business': Did AWB's Kickbacks to Iraq Under the UN OFFP Constitute a Violation of Australia's International Obligations?" in Jeremy Farrall and Kim Rubenstein, eds., *Sanctions, Accountability and Governance in a Globalised World* (Cambridge: Cambridge University Press, 2009), pp. 171–190. For analysis of the same affair from an accountability perspective, see Richard Mulgan, "AWB and Oil for Food: Some Issues of Accountability," in Jeremy Farrall and Kim Rubenstein, eds., *Sanctions, Accountability and Governance in a Globalised World* (Cambridge: Cambridge University Press, 2009), pp. 334–352.

25. Examples include the International Trade Integrity Act (2007).

26. The HLR worked in partnership with the Watson Institute of Brown University and Compliance and Capacity International. See www.hlr-unsanctions.org/.

27. Australian Mission to the UN, "Concept Note for SC Briefing on 'The Evolution of Sanctions,'" 25 November 2014.

28. See Security Council Report, *What's in Blue: Resolution and Briefing on Sanctions*, 24 November 2014, for a full discussion of the issues being debated.

29. Australia had imposed its own "autonomous sanctions" against Russia in response to its actions in the Ukraine on 19 March 2014. For details, see <http://dfat.gov.au/international-relations/security/sanctions/sanctions-regimes/Pages/russia.aspx>.

30. S/PRST/2013/15.

31. UNDPA, *Highlights of Security Council Practice 2014*, p. 3.

32. "Syria." *Monthly Forecast (SCRMF)*, March 2014, p. 6

33. "Syria." *Monthly Forecast (SCRMF)*, January 2015, p. 14.

34. "Australia pledge to Syria humanitarian crisis appeal deeply disappointing – Oxfam," <https://www.oxfam.org.au/media/2014/01/australia-pledge-to-syria-humanitarian-crisis-appeal-deeply-disappointing-oxfam/>, accessed 8 January 2015.

35. Richard Gowan, *Australia in the UN Security Council*, The Lowy Institute for International Policy, June 2014, p. 1.

36. Nick Bryant, "Australia's Security Council presence will be missed," *The Interpreter*, 20 January 2015; Gowan, *Australia in the UN Security*, p. 7.

37. Gowan, *Australia in the UN Security*, p. 13.

38. UN Charter, Art. 2(1).

39. Keating, Colin, 2016, "Power Dynamics: Between Permanent and Elected Members" in Sebastian von Einsiedel, David M. Malone, and Bruno Stagno Ugarte (eds.) *The UN Security Council in the 21st Century*, (Boulder, CO: Lynne Rienner, 2016) p 139

40. Malone, ed., *The UN Security Council*, p. 2.

41. *Ibid.*, p. 4.

42. Keating, "Power Dynamics" , p145

43. "In Hindsight: Consensus in the Security Council," *Monthly Forecast (SCRMF)*, January 2014, p. 2

44. This comment and the following were reported orally by Richard Gowan.

45. Keating, "Power Dynamics." p 149

46. A66/L.42/Rev2 (15 May 2012) "Enhancing the accountability, transparency and effectiveness of the Security Council."

47. "Security Council Working Methods," *Monthly Forecast (SCRMF)*, October 2013, p. 20.

48. For examples of Security Council Report analysis, see www.securitycouncilreport.org, accessed 25 February 2015.

49. UNDPA, "Meetings," *Highlights of Security Council Practice 2013*, January 2013, p. 2.

50. See "Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields: Follow-up to the outcome of the Millennium Summit," UN Doc. A/66/551—S/2011/701 (11 November 2011), Annex "Responsibility While Protecting: Elements for the Development and Promotion of a Concept."

51. Richard Gowan, "Germany and the Security Council: Neither Too Strong nor Too Weak," English translation from article in *Vereinte Nationen* 61, no. 1 (2013): 3 (translation obtained from Richard Gowan and on file with the authors).

52. *Ibid.*, p. 3.

53. Hugh White, "Foreign Policy Was Alien Concept to Rudd and Gillard," *The Melbourne Age*, 1 October 2013, www.theage.com.au/comment/foreign-policy-was-alien-concept-to-rudd-and-gillard-20130930-2uokt.html, accessed 6 June 2015.

54. John Langmore and Ramesh Thakur, "In the Eye of the Storms," *Inside Story*, 23 October 2013.

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⁵⁶ See UN Doc. A/RES/68/307 (18 September 2014), "Revitalization of the work of the General Assembly," para. 17.

57. Luck, "Security Council at 70."

58. Andrew Cooper, Jorge Heine, and Ramesh Thakur, "Introduction: The Challenges of 21st-Century Diplomacy," in *The Oxford Handbook of Modern Diplomacy* (Oxford: Oxford University Press, 2013), p. 21.

