SpringFactor

MULTIPLYING PEACE POTENTIAL

Dutch Policy on UN Security Council Reform 2009-2014

Key Issues and Prospects

Marije Balt

30 April 2015

Dutch policy on UN Security Council Reform 2009-2014: Key Issues and Prospects

The Policy and Operations Evaluation Department of the Dutch Ministry of Foreign Affairs has commissioned this exploratory study for the purpose of the evaluation of the Dutch foreign policy in promoting the international legal order. The paper's purpose is twofold. First it sketches the current issues and prospects of the reform of the UN Security Council. Second, it offers an overview and analysis of Dutch government efforts and policy regarding UN Security Council Reform.

Dutch policy on UN Security Council Reform 2009-2014: key issues and prospects

1.1 Introduction

The Security Council is the most important organ of the United Nations (UN). Under the UN Charter, it bears responsibility for maintaining international peace and security. The UN Security Council (UNSC) has the power to resort to multiple means, varying from mediations with Member States, the use of sanctions, referral to criminal courts or special tribunals, to the use of military force in the form of UN Peacekeeping Missions. However, since its initiation, the UNSC's composition, its powers, legitimacy and effectiveness have been heavily debated. This debate on UNSC reform resulted in the emergence of four groups, which are now known as Uniting for Consensus (UfC), the Group of Four (G4), L69 Group, and the African Group.

While the UN can be accredited to have contributed to the relative absence of interstate conflict in the post-second world war era, the composition of the UNSC is no longer fit for purpose to maintain international peace and security. In fact, the call for reform of the UNSC started even before it was officially created. The main problems around the Security Council are its lack of legitimacy and effectiveness to respond to today's threats to peace and security. Initiatives to give voice to those regions that the UNSC deals with mainly, such as Africa and the Middle East, have failed to date, which affected the Council's legitimacy negatively. Its effectiveness is severely hampered by its members' veto powers, an obstacle which stands in the way of any reform and can at most be mitigated. The failure to invoke the concept of responsibility to protect with regard to Syria is one of the most blatant examples of ineffectiveness.

UN Security Council reform is a key policy goal of the Netherlands government, with a view to promoting a functional international legal order, which is part of the Dutch constitution[1]. For decades, this goal has been integral part of Dutch foreign policy. On a general level, the promotion of the legal order is reflected by active membership of international organisations, the stimulation of the development of – and compliance with international law, the support for – and strengthening of the international protection of human rights, spreading the rule of law and the promotion of international security.[2] The Netherlands is a small but nevertheless significant Member State in terms of financial contributions to the UN, but also other inputs, among which its constructive broker role in the reform process. The Netherlands facilitated many initiatives with other Member States with a view to promoting debate and consensus on UNSC reform.

A review of the Netherlands' involvement shows that it responds to the main problems of the UNSC: legitimacy and effectiveness. It pleads for better regional representation, for example by supporting African countries in their quest to have permanent, though non-veto, seats. In terms of effectiveness, the Netherlands pleads for voluntarily abstaining from veto power in case of mass atrocities in line with a French proposal. Moreover, the Netherlands is promoting more transparent and democratic working methods (e.g. including cooperation with subsidiary organisations and involvement of troops-providing countries in UNSC debates). Evidently, there are consistency issues with regard to the Netherlands policy on UNSC reform, in particular with regard to its position on the regional EU seat vs Germany's candidature for a permanent seat, and what a larger Council - which it pleads for to increase legitimacy – would mean for the council's effectiveness to maintain international peace and security. For now, the Netherlands has intensified its broker role

---

[1] Art. 90 of the Dutch Constitution provides that 'the government shall promote the development of the international legal order

[2] WRR, 2010, p. 5

visibly in order to be elected as part of the Security Council (2017-2018), vowing to continue its efforts for UNSC reform.

1.1.1 Scope and methodology

The scope of this study has been based on Terms of Reference that are annexed to this paper (in Dutch). This document describes the focal points of the forthcoming policy evaluations, which were already alluded to above. The focus in Part 1 is a general sketch of the current issues on UN Security Council Reform. Within this part of the paper, the focus is on the following two points in particular:

- Legitimacy, including representation and authority;
- Effectiveness, including veto power and credibility.

In Part 2, this paper focuses on the Dutch policy and efforts on UN Security Council Reform, and analyses these with regard to the main issues, legitimacy and effectiveness, drawing a number of conclusions on its consistency.

The paper has been prepared on the basis of a combination of methods. First, a classical literature analysis has been conducted, in particular for the first part of the paper, the nature of which is rather descriptive and analytical. In addition, several reports on the functioning of the UN Security Council and several specific topics have also been analysed, as well as official records of the UN Security Council itself. Second, targeted searches of the archives of the Dutch MFA have resulted in the identification of relevant policy documents that describe specific policy goals, the actual efforts and the results achieved. Third, a number of interviews have been conducted with MFA officials in order to get a clear picture of the full scope of the Dutch foreign policy efforts in this field. Specifically, one interview has been conducted with the director of the Department of Multilateral Organisations and Human Rights of the MFA. In addition, one interview has been conducted with the diplomat tasked with matters related to UN Security Council reform at the Permanent Representation of the Kingdom of the Netherlands to the United Nations in New York.

Part 1. Security Council reform: key issues

In this chapter, key issues in the debate on UNSC reform will be discussed, using two main categories: legitimacy and effectiveness. Subsequently, an overview is given of the proposals for Security Council reform, with a predominant focus on the intergovernmental negotiations and the positions of different groups.

1.2 Legitimacy

The concept of legitimacy that this study applies goes beyond the extent to which *rules* are perceived as legitimate[3], and also refers to the acceptance of an authority, such as UNSC, for governing.[4]

When applying this concept of legitimacy to the debate about Security Council reform, we must thus look into:

a) the extent to which the Security Council itself is perceived as a legitimate **institution** for governing;

b) the extent to which the **rules that guide** the functioning of the Security Council are perceived as legitimate; and

c) the extent to which the **rules that are provided** by the Security Council can be seen as legitimate.

In practice, the debate about the legitimacy of the Security Council centres on the issue of representativeness (a and b) and authority (c).

1.2.1 Representativeness

One of the most pertinent arguments for Security Council reform is that the Security Council in its current formation does not reflect today's geopolitical realities even though the non-permanent members of the Security Council are elected on the basis of geographical representation and thus every continent is in principle represented. The current composition of the UNSC arguably still reflects the specific historical context and balance of power anno 1945.

The UNSC held its first session on 17 January 1946 in London. Until 1963, the UNSC consisted of the five permanent members with veto power China, France, the United Kingdom, the United States, and the Soviet Union and six non-permanent members without veto power that were elected for a period of two years on the basis of regional representation. One of the reasons that its predecessor, the League of Nations, was thought to have failed, was the absence of important global powers during most of its existence.[5] This selection of countries aimed to restore this error. Firstly, the victors of the war, the United States, United Kingdom and the Soviet Union, would become permanent members of the Security Council. Secondly, the departure of the American troops in the context of World War II resulted in anxiety that the United Kingdom would be left alone in facing the Russian empire, which led Churchill to play an important role in securing a seat for France in the Security Council.[6] [7] China was in the middle of a civil war and was looked down on by the

---

[3] Thomas Franck, a lawyer and professor in international law, defined legitimacy as "that quality of a rule which derives from a perception on the part of those to whom it is addressed that it has come into being in accordance with right process."[3] Franck specifies that "right process" encompasses "the notion of valid sources but also encompasses literary, socio-anthropological and philosophical insights." [3]Franck argues that it is the perception of a rule as legitimate is a crucial factor for the compliance with rules in the international system, because there are no other mechanisms that induce compliance.

[4] Dahl 1971.

[5] Luard 1994, p.10.

[6] Bédarida 2001, p.104.

[7] Kennedy 2006, p.26.

United Kingdom and the Soviet Union, however, it was considered a necessary member of the UNSC because of its victory in World War II.[8]

However, already in the early 1960s, various critics claimed that the Security Council no longer represented the geopolitical realities, especially pointing to the decline of power of the United Kingdom and France.[9] Others went even further and questioned whether France and the United Kingdom had ever been in a position to be called 'great powers' when the Security Council was founded in 1945.[10] Moreover, the substantial growth of the amount of UN Member States in the aftermath of World War II and after decolonisation inevitably led to a call to increase the membership of the Security Council.[11] Developing countries attempted to place the issue of representativeness in the Security Council on the agenda of the General Assembly, but the issue remained undebated.[12] Therefore, on 17 December 1963, the General Assembly adopted Resolution 1991(XVIII) that made provisions for amending the Charter in order to increase the amount of non-permanent members of the Security Council from six to ten, meaning that the UNSC would consist of 15 members.[13]

After the Cold War had ended, cooperation in the Security Council became more intensified and emerging powers began to advocate for an increased role in the Security Council. Germany and Japan claimed to deserve a permanent seat in the Security Council due to their constructive political and financial contributions to international cooperation.[14] Moreover, countries such as Japan and Germany pointed to their economic strength as a reason why they would deserve a permanent seat in the Security Council.[15] Soon, Nigeria, Brazil, South Africa, Egypt, and India started to campaign for a permanent seat in the Security Council as well, triggering regional competition and opposition.[16] India and Brazil legitimise their quest for a permanent seat by the size of their population and by their substantial and durable contributions to UN Peacekeeping.[17] Although these Member States were frequently represented as non-permanent members of the Security Council, this was never deemed a satisfying solution for the issue of representation. In July 2007, a group of 27 Member States – among which were India, Brazil, South Africa, and Nigeria – proposed a resolution with stronger language pushing for better representation of both developing countries and reflecting a more contemporary representation of the current developed countries.[18] However, at this moment, India is the only candidate for a permanent seat that managed to receive support from all permanent members at the Security Council. In 2011, even India's long-term rival China declared its support to the Indian candidacy as a permanent member if India would revoke its support for the Japanese candidacy,[19]but this position is subject to fluctuations.

In response, on 11 December 1992, the General Assembly unanimously adopted Resolution 47/62 on the "Question of equitable representation on and increase in the membership of the Security

---

[8] *Ibid.*
[9] Blum 2005, p.636.
[10] *Ibid.*
[11] Von Freiesleben 2013, p.2.
[12] Weiss and Young 2005, p.141.
[13] UN General Assembly 1963, A/RES/1991(XVIII).
[14] Von Freiesleben 2013, p.2.
[15] Blum 2005, p.638.
[16] Von Freiesleben 2013, p.2.
[17] Blum 2005, p.638.
[18] Von Freiesleben 2013, p.13.
[19] The Hindu 2011.

Council", which placed the issue officially on the agenda of the General Assembly.[20] On 3 December 1993, the General Assembly adopted Resolution 48/26, which led to the establishment of an Open-ended Working Group with the aim to "consider all aspects of the question of increase in the membership of the Security Council, and other matters related to the Security Council".[21] This also highlighted the need to guarantee that the member in the Security Council is accountable for the region it is supposed to represent, and does not exclude any countries in its regional group because of bilateral tensions.

However, to date, the wider membership of the UN has not reached agreement about which states should be granted a permanent seat in the Security Council. Some countries, such as those operating in the group that is known as Uniting for Consensus (UfC) even actively oppose increasing the number of permanent members of the Security Council (see section 1.4).

The matter of veto power, which will be discussed in depth in the next chapter (1.3.1), is closely related to the issue of representativeness. Veto power is currently only granted to the permanent members of the Security Council. However, critics deem it inappropriate that the current permanent members have the exclusive power to veto. One argument against veto power is that the concept of veto has become inappropriate since the end of the Cold War, rejecting the current formation of the Security Council.[22]

1.2.2 Authority

Another aspect of the UNSC legitimacy is its authority to keep its members, third states, and non-state actors committed to its decisions. Resolutions in which the Security Council calls upon parties to a conflict to stop fighting are often ignored and condemnations by the UNSC of mass atrocities regularly go unheard. However, though the issue of the UNSC authority is considered part of the work on UNSC working methods (see next section), it has remained only at the fringes of the political debate on the reform process.[23]

There are several instances in which permanent members of the Security Council do not seem to respect the authority of the body to which they commit their state. A renowned example, described here below, is the decision of the United States to ignore the stance of the Security Council on military intervention in Iraq.

The lack of credibility of the Security Council as an institution: the US and the War on Terror

In the context of the "War on Terror" and the alleged evidence that Saddam Hussein would have possessed weapons of mass destruction (WMD), the US was preparing an invasion. Surprisingly, President Bush approached the General Assembly to present his case in September 2002. Although Bush underscored that he would advocate for the right resolutions at the Security Council, he warned that the US would act alone if the UN would not take action.[24] In October 2002, Congress authorised the use of force against Iraq without the approval of the Security Council and two weeks later Bush proposed a draft resolution that would implicitly authorise a

---

[20] UN General Assembly 1992, A/RES/47/62.
[21] UN General Assembly 1993, A/RES/48/26/
[22] Imber 2006, p.328.
[23] Based on an analysis of the annual reports of the Security Council to the General Assembly in the period 2009-2014.
[24] Glennon 2003, p.17.

military intervention in Iraq, emphasising that the US would take action regardless of the decisions of the Security Council.[25] The Security Council unanimously adopted Resolution 1441, which called for the allowance of investigators on WMD in Iraq and warned for the "serious consequences" if Iraq would continue to violate its obligations.[26] When the inspectors returned, they found no evidence of WMD, but many items remained unaccounted for.[27] The US, the UK, and Spain introduced a Chapter VII resolution that would authorise the use of military force, but the P-5 could not come to an agreement over this and the Security Council became deadlocked.[28] On 19 March 2003, the US invaded Iraq. This case not only demonstrates that disagreement among the P-5 is crucial for cooperation, but – more importantly - indicates a decline in legitimacy of the Security Council. The fact that Bush expressed that he would not be constrained by any decision of the Security Council demonstrates a strong reliance on the American power and cynicism about the role of the Security Council. Although Bush framed the Security Council as being an inefficient "debating society", the decision of his administration to ignore the stances of the Security Council and take unilateral action can be better understood in the context of the shift in the balance of power.[29] Since the end of the Cold War, the bipolar world system has been replaced by unipolarity in which the US is perceived as the hegemon. Although the world system arguably is multipolar anno 2015, the decision-making of the United States in 2002 and 2003 points at a conviction that the hegemon does not need the approval of the Security Council in specific or the international community in general. This action undermined international norms and has sparked serious debates on the functioning and authority of the Security Council. The question becomes to what extent the Security Council can be seen as a legitimate organ if the primary donor of the United Nations ignores its voice.

1.3 Effectiveness

In this study, effectiveness of the Security Council is reviewed at two levels. First is whether the members of the Security Council manage to cooperate effectively and come to agreement when international peace and security is at stake. Veto power is a crucial factor in this. Second is whether the UNSC is able to fulfil its mandate as such: to maintain international peace and security.

1.3.1. Effectiveness and veto power

In order to overcome the League of Nations' ineffectiveness, the UN departed from the unanimity rule for decision making and institutionalised the right to veto any proposals in the Security Council.[30] The goal was to have all great powers on board of substantial decision-making with regard to international peace and security. As a result, the five permanent members of the Security Council (P-5) have 'veto power' which can be exercised in order to block a draft resolution. Moreover, the P-5 has veto power over amendments in the Charter, which have to be preceded by a 2/3 majority adoption in the General Assembly.[31] Veto power cannot be exercised in procedural voting.

Nevertheless, veto power was already a sensitive issue at the foundation of the Security Council. While the Soviet Union at that time advocated that veto power should even be used in procedural

---

[25] *Ibid.*
[26] UN Security Council Resolution 1441, 2002.
[27] Glennon 2003, p.17.
[28] *Ibid.*
[29] Glennon 2003, p.18.
[30] Kirgis 1995, p.506.
[31] UN 1945.

voting about whether the Council would discuss a situation, the US, the UK, and France opposed such an extreme use of veto.[32] Over the years, the issue the use of veto has become increasingly contested. Firstly, there is the issue of who vetoes, linked to legitimacy of the UNSC and selection of its members (see previous section). Secondly, veto power is claimed to impede the effectiveness of the Security Council. The box here below provides an example of the paralysis of the Security Council in coming to an agreement over a crisis, in this case Syria was brought about by the wielding of veto by the Russian Federation. However, the paralysis of the Security Council due to the interests of the P-5 at stake are not limited to the case of Syria.

Security Council paralysis in the case of the Syrian civil war

The Syrian civil war began with nationwide protests against the regime of President Bashar al-Assad, in the context of the Arab spring of 2011. Assad responded with violent crackdowns and soon, the situation escalated in armed violence between the regime and opposition groups. In March 2015, the UN estimated that over 220,000 people have been killed and that half of the population has left their homes.[33] The crisis in Syria poses a great challenge to the capabilities of the UN in general and the Security Council in specific. Especially the role of Russia in the Security Council is a hotly debated topic. Russia claims that it does not support any party to the conflict in Syria, but its behaviour at the Security Council indicates something else.[34] Whereas draft resolutions of Western countries focused on condemning the violence committed by the regime and urging them to withdraw from the cities, Russia and China submitted draft resolutions to the Security Council that emphasised the need for a ceasefire and to engage in dialogue.[35] These proposals were unacceptable for Western countries as they would strengthen the position of Assad.[36] The position of Russia not only came from a different perception of sovereignty and human rights, but also can be understood on the strategic alliance it had with Syria since the Suez war. Until 1991, virtually all Syrian weapons were imported from the Soviet Union, but the Russian Federation also provided the Syrian government with military advice and arms also after the breakup of the Soviet Union.[37] In the period 2011-2014, Russia casted its veto on the situation on a Security Council draft resolution four times. The last proposal that Russia vetoed was a draft resolution that would refer Syria to the International Criminal Court. On 22 February 2014, the Security Council unanimously adopted a resolution on access for humanitarian organisations to Syria.[38] On 14 July 2014, the resolution was supplemented by a resolution that would allow humanitarian aid through four border crossings that were not controlled by the Syrian regime.[39] The mandate of that resolution was renewed on 17 December 2014.[40] However, reports on the implementation of the humanitarian resolutions indicate that the humanitarian situation has virtually not improved.[41] Despite the adoption of the resolutions on humanitarian assistance, the debate on Syria remained tense and the Security Council failed to contribute to an improvement of the political, security, or humanitarian situation in Syria. The paralysis of the Security Council in the case of Syria is an example that international peace and security has become a politicised topic.

---

[32] Kirgis 1995, p.507.
[33] UN Secretary-General 2015a.
[34] RT 2012.
[35] Trenin 2013, p.18.
[36] *Ibid.*
[37] Trenin 2013, p.8.
[38] UN Security Council Resolution 2139, 2014.
[39] UN Security Council Resolution 2165, 2014.
[40] UN Security Council Resolution 2191, 2014.
[41] UN Secretary-General 2015b.

The issue of veto power remains central to the debate on Security Council reform. The 2005 report of former UN Secretary-General Kofi Annan on Security Council reform, did not contain the extension of veto power to any member of the Security Council apart from the current P-5, at least not formally.[42] However, this issue remains heavily debated. The African group in theory wants to abolish the veto power, but decided that as long veto power exists, also the new members should have it.[43] The African group specifically advocates for two permanent seats for African countries with veto power.[44] The G4 initially campaigned for veto power for the new permanent members, but later decided to let that aim go.[45] More recently, the possibility of voluntary abstention of the use of veto has been introduced into the debate on UNSC working methods. Agreeing to abstain from the right to veto in the case of *jus cogens* crimes such as genocide and the illegitimate use of violence would contribute to greater transparency and legitimacy of the Security Council.[46] In 2014, the French Foreign Minister Laurent Fabius called for a voluntary abstention of the use of veto in dire humanitarian crises. Although chances are slim that such a proposal will be adopted, it demonstrates the growing sense that the Security Council should take its responsibilities in the case of mass atrocities.[47]

1.3.2. Effectiveness in maintaining international peace and security

Ultimately, the effectiveness of the UNSC relates to the ability to fulfil its mandate to maintain international peace and security. Since the foundation of the Security Council, the nature of conflicts has changed and new security threats have emerged. Since the end of the Cold War, conflicts are not necessarily characterised by hostilities amongst the two major powers and their proxies, but increasing numbers of internal conflicts with elevated numbers of civilian casualties have emerged. Moreover, the world is facing new security threats, varying from terrorism to issues such as cyber security. However, some challenges continue to be the same, like nuclear proliferation and challenges related to the possession of small weapons.[48] The changing environment has an impact on the UNSC. Moreover, the UNSC is seen to have failed to fulfil its mandate on several occasions. Especially in the 1990s, the Security Council has failed to prevent mass atrocities, such as the genocide in Rwanda and the Srebrenica.

An important initiative that aims to overcome inaction of the Security Council in humanitarian crises is the Responsibility to Protect (R2P). The proposed R2P norms rests on the pillars that 1) a state is responsible to protect its population from genocide, war crimes, crimes against humanity, and ethnic cleansing; 2) that the international community has a responsibility to help the state in protecting its citizens if the state is unable to; and that 3) if a state fails to protect its citizens, the international community has a responsibility to intervene with coercive measures.[49] However, despite the fact that the General Assembly unanimously adopted the resolution including the norms on R2P, its implementation in the Security Council seriously lags behind, even in the case of serious violations of international law (such as the above mentioned example of the Syrian civil war). The P-5 is divided for reasons of sovereignty and authority. The disagreement about R2P (and the related notion of Protection of Civilians) reflects the prevalence of realpolitik related priorities rather than

---

[42] UN Secretary-General 2005, p.43.
[43] Von Freiesleben 2013, p.6
[44] Von Freiesleben 2013, p.3.
[45] Von Freiesleben 2013, p.6.
[46] Von Freiesleben 2013, p.1.
[47] Al Jazeera America 2014.
[48] Kaldor, p. 2
[49] UN General Assembly 2005, A/RES/60/1.

the UNSC mandate of ensuring international peace and security. In the current set up, the agenda of one state can still determine the action or inaction, and thus the effectiveness, of the UNSC.[50]

Another way to enhance the effectiveness of the Security Council would be the reform of its working methods. This includes the daily work of the UNSC and its cooperation with subsidiary organs. Some authors argue that expansion of the Security Council is pointless if the working methods will not be improved.[51] Others acknowledge that a reform of working methods are the only feasible option at this point, as it is the area in which most visible results have been booked.[52] Efforts to reform the working methods started in 1993 and were triggered by an augmentation of workload of the Security Council and increased attention for its activities from both the Member States and the media.[53] Initiatives began in 1994 with a more frequent and transparent reporting from the Security Council to the General Assembly and the publishing of the daily work programme of the Security Council in the UN Journal.[54] In 2002, members agreed to place a stronger analytical focus on the annual report of the Security Council to the General Assembly, but later this agreement was not honoured.[55] Moreover, efforts were made to have more open briefings and announce sessions in closed consultations publicly, so that other Member States could anticipate to these events.[56] Frequent thematic debates were used to involve troop-contributing countries and states with a special interest, though their role still remains marginal.[57]

The advantages of reform of Security Council working methods include the fact that it does not require an amendment of the Charter, which makes procedures easier and quicker.[58] Moreover, the benefits for most of the Member States are more visible than those of membership expansion.[59] Most Member States agreed that debates on the reform of working methods could continue outside the realm of wider Security Council reform, but it remains unspecified what the way ahead is.[60] In addition, despite that the issue of working methods is a relatively technical topic, it has become highly politicised. This surely limits the impact that groups such as the newly founded ACT (Accountability, Coherence, and Transparency: a group of 22 Member States that advocates reform of the UNSC working methods) could have.[61] Nevertheless, it is said that already the reform of working methods has contributed to a greater democratic accountability in the Security Council.[62] This for instance has been achieved through opening up UNSC meetings to a wider audience and broader participation, the so-called Arria-formule.

1.4 Positions of various groups

The negotiations on UNSC reform are dominated by various groups: Uniting for Consensus (UfC), the Group of Four (G4), L69 Group and the African Group (and within that group the C10). This section provides an overview of the main stances of those groups.

---

[50] Evans, p. 2
[51] Schrijver 2013, p.135.
[52] Weiss and Young 2005, p.134 & p.152.
[53] Security Council Report 2007, p.3.
[54] Security Council Report 2007, p.4.
[55] *Ibid.*
[56] *Ibid.*
[57] Security Council Report 2007, pp.7-8.
[58] Von Freiesleben 2013, p.16.
[59] *Ibid.*
[60] *Ibid.*
[61] Lehmann 2013, p.6.
[62] Ku & Jacobson in Weiss and Young 2005, p.152.

Group of Four (G4)

- consists of India, Brazil, Germany, and Japan. None of its members has a permanent seat in the Security Council.
- Its members support each other's bid for a permanent seat in the Security Council on the basis of their economic, military, geographical, and political strength.
- In 2011, the G4 drafted a resolution that was endorsed by nearly 80 Member States in 2012. However, the draft resolution did not go into details about sensitive issues such as the use of veto and it did not specify which Member States would deserve a permanent seat in the Security Council. The resolution was never brought to a vote.
- The G4 contains varying stances on veto power. India and Brazil support the proposal of the L69 that aims to grant veto power to the new permanent members. While Germany and Japan indicated that they are willing to discuss an intermediary model, if it would lead to permanent seats at a later moment, India has dismissed those models.

African Group

- consists of 54 Member States and is the largest regional group. None of its members have permanent seats in the Security Council.
- The group argues for a permanent seat for the African continent because it is the only continent without a permanent seat in the Security Council, which it considers to be unjust and undemocratic, especially because 75% of the workload of the Security Council involves the African continent. The African group is opposed to the use of veto, but thinks that as long as it exists, it should be granted to all permanent members of the Security Council.[63]
- The African Group is committed to the 'Ezulwini Consensus', which means that the Security Council should expand its membership to 26 permanent members, of which 2 are permanent seats for African states and 5 are rotating seats for the African continent.[64] The African Union should be responsible for the selection criteria and the actual selection of the African seats in the Security Council.[65]
- Although most of the UN Member States agree that the African continent should be better represented in the Security Council, some countries from Latin America and the Caribbean, Europe, and Australia have indicated that this support is on the condition that no veto power will be granted to new permanent members of the Security Council.
- The group has operated as one, though its unity has often been undermined. When the G4 tried to convince the African Group to be more flexible about veto, the African Group became divided. For instance, South Africa also collaborates with India and Brazil, which apparently caused the other regional power Nigeria to feel left out. This divide resulted in the emergence of the Committee of 10 (C10).

L69

- is a coalition of developing countries. In 2012, the group was said to have the support of 80 countries, but its composition varies.
- Its name is based on the draft resolution that was proposed at the 61th session of the General Assembly: A/61/L69. The draft resolution advocated for an expansion of the amount of permanent and non-permanent members of the Security Council; for a better representation of both developing countries and emerging developed countries; the

---

[63] African Union Executive Council 2005, p.9.
[64] *Ibid.*
[65] African Union Executive Council 2005, pp.9-10.

improvement of Security Council working methods; equitable geographical representation; and the provision of a review.

- In 2012, L69 drafted a resolution attempting to merge with the African Group by stating that it would support their bid for veto power. If all the developing countries would unite, they could meet a required 2/3 majority in the General Assembly with 129 countries. However, disagreements about the extension of permanent seats remained.

Uniting for Consensus (UfC)
- of which the membership has varied widely, but which has been led by Italy. UfC has approximately 30 supporters, including China.
- UfC advocates for better regional representation and wants to expand the number of non-permanent members of the Security Council. It is strongly opposed to adding new permanent seats to the Security Council.
- In 2009/2010, Colombia and Italy proposed an intermediary solution, including to add longer term rotating seats for the regional groups and the possibility for small and medium-sized states to be immediately re-elected.
- However, apart from this proposal, UfC is often accused of being a spoiler to the negotiations.
- In spite of this role in UNSC reform, Italy has announced its candidature for a non-permanent seat in the Security Council for the period 2017-2018.

1.5 Proposals and negotiations

In the Millennium Declaration of the United Nations, all states agreed "to intensify our efforts to achieve a comprehensive reform of the Security Council in all its aspects".[66] Subsequently, the reform agenda in the 21st century has largely been set by UN Secretary-General Kofi Annan. In 2004, Annan presented the report "A More Secure World: Our Shared Responsibility", in which a high-level panel made an assessment of the threats and opportunities that the UN would face in the coming years. The report includes no less than 101 recommendations, including 9 recommendations on the functioning of the Security Council. The report emphasises the need for a representative, democratic, and accountable Security Council that does not inadvertently affect the effectiveness of the Security Council.[67] The report stresses that countries that contribute most to the UN - financially, militarily, and diplomatically -, and developing countries should be more involved in decision-making at the Security Council.[68] However, the report also notes that the criteria of contribution and representation cannot always be reconciled, because the states with military power do not always deliver financial contributions.[69] Moreover, representativeness needs to be further defined, because it may also imply that larger states with more inhabitants would have more to say than substantial financial contributors.[70]

Furthermore, the report argues in favour of an enlargement of the Security Council, offering two models, divding the new seats under four regional areas - different from the regional groups that the UN currently uses.[71] Model A suggests to create six new permanent seats and three new rotating non-permanent seats, which would raise the total amount of permanent seats to eleven.[72] The new

---

[66] UN General Assembly 2000, A/RES/55/2.
[67] UN Secretary-General 2004, p.109.
[68] *Ibid.*
[69] Blum 2005, p.634.
[70] Blum 2005, p.634.
[71] UN Secretary-General 2004, p.81.
[72] *Ibid.*

permanent and non-permanent members would not be granted veto power.[73] The seats would be distributed based on geographical representation. Model B proposes no new permanent seats, but suggests to create eight four-year non-permanent seats and one new two-year non-permanent seats. [74] The total amount of permanent seats would remain five, but the model is original in suggesting four-yearly rotating seats. The second model would reanimate the "permanent non-permanent" way of membership similar to the era of the League of Nations.[75] Although no states are explicitly mentioned, one does not need much imagination to identify the states that would be eligible for the new permanent or non-permanent seat. Within Europe, it is likely that a seat will go to Germany; India and Japan would be the main candidates in the Asian-Pacific region; South Africa and Nigeria would be the main candidates for the African region; and Brazil would likely obtain a seat in the region of the Americas.

Figure 1 Model A of an enlarged Security Council

Regional area	Number of States	Permanent seats (continuing)	Proposed new permanent seats	Proposed two-year seats (non-renewable)	Total
Africa	53	0	2	4	6
Asia and Pacific	56	1	2	3	6
Europe	47	3	1	2	6
Americas	35	1	1	4	6
Totals model A	191	5	6	13	24

Source: UN Secretary-General 2004, p.81.

Figure 2 Model B of an enlarged Security Council

Regional area	Number of States	Permanent seats (continuing)	Proposed four-year renewable seats	Proposed two-year seats (non-renewable)	Total
Africa	53	0	2	4	6
Asia and Pacific	56	1	2	3	6
Europe	47	3	2	1	6
Americas	35	1	2	3	6
Totals model B	191	5	8	11	24

Source: UN Secretary-General 2004, p.81

However, soon after the 2004 report, the efforts for Security Council reform were characterised by a widespread fatigue and frustration among Member States.[76] The frustration was particularly dominant among the members of the Group of Four (G4), comprising of four states that mutually support each other bid for a permanent seat in the Security Council (Brazil, Germany, India, and Japan).[77]

---

[73] *Ibid.*
[74] *Ibid.*
[75] Blum 2005, p.641.
[76] Von Freiesleben 2013, p.9.; Swart 2013, p.26.
[77] Swart 2013, p.26.

<u>Open-ended Working Group on Security Council reform</u>

On 8 February 2007, the President of the General Assembly (PGA) and Chairman of the Open-ended Working Group on Security Council reform appointed five facilitators to assist them in the consultations. The Permanent Representative of the Netherlands was appointed as a facilitator together with the Permanent Representatives of Chile, Croatia, Cyprus, and Tunisia.[78] Their task was to interact with all Member States and report back to the PGA at the end of March 2007.[79] The group of Permanent Representatives chaired several informal meetings and held informal consultations with individual Member States and groups of countries, organised around the following five themes:[80]

1. Size of an enlarged Security Council
2. Categories of membership
3. Question of regional representation
4. Question of the veto
5. Working methods of the Security Council and the relationship between the Security Council and the General Assembly.

On 19 April 2007, the facilitators submitted a report about the informal meetings and consultations in which they stressed that the debate both in the Working Group and the General Assembly had not yet reached any concrete results.[81] Therefore they proposed the following:

- Expansion of the Security Council should be based on the "the contribution of Member States to the maintenance of international peace and security and to the other purposes of the United Nations as well as equitable geographical distribution".[82] The facilitators proposed four options: a limited expansion, that is likely to be supported by Member States that want to ensure the effectiveness of the Security Council (such as Netherlands); a large expansion, that would enhance the representativeness in the Security Council; a medium-sized expansion that would meet both the latter criteria; and an initially limited expansion to be complemented as the review period progresses.[83] Moreover, the facilitators noted that countries that are underrepresented, such as developing countries or small States (including the island states that are linked to the Netherlands), should be accommodated in a possible enlargement.[84]

- With regard to regional representation, two initiatives were proposed that would enhance accountability in the elections for non-permanent members and throughout the functioning of the Security Council on a daily basis. The facilitators suggested two Member States or regional groups to directly propose a Member State as a candidate and ensure that elected Member States in fact represent the interest of the group.[85]

- Member States to look into options of the limitation of the use of veto, varying from approaches that increase the accountability for the use of veto, to examples to limit the use of veto or voluntarily refrain from using veto in specific circumstances.[86]

---

[78] UN General Assembly 2007, UN Doc A/61/47, p.3.
[79] *Ibid.*
[80] UN General Assembly 2007, UN Doc A/61/47, p.3.
[81] UN General Assembly 2007, UN Doc A/61/47, p.9.
[82] UN General Assembly 2007, UN Doc A/61/47, p.11.
[83] UN General Assembly 2007, UN Doc A/61/47, p.12.
[84] UN General Assembly 2007, UN Doc A/61/47, p.11.
[85] UN General Assembly 2007, UN Doc A/61/47, p.12.
[86] *Ibid.*

- Member States to consider a "transitional approach", that would be an intermediary solution in order to accomplish Security Council Reform, subject to a review (of which the time and framework would have to be decided still).[87]
- Possible improvements to be made on the Security Council working methods, including a mechanism through which the Member States whose direct interests are at stake can more easily participate in private meetings of the Security Council; increased access of countries with special interests to the subsidiary bodies of the Security Council; consultations with troop-contributing countries (with large contributions such as India, Pakistan but also the Netherlands), especially in the initial phase of a peacekeeping operation, but also during ongoing operations and to invite troop-contributing countries and – if appropriate – host countries to private Security Council meetings; and increased transparency by "encouraging formal adoption of rules of procedure, stimulating thematic reports by the Council for discussion in the General Assembly and ensuring regular consultations between the Presidents of the principal organs on the implementation of the respective mandates, in accordance with the Charter".[88]

While the G4 attempted to narrow down the amount of proposals, the majority of the Working Group did not support this effort as its mandate was to come to an agreement based on consensus.[89] In 2007, the Working Group decided that intergovernmental negotiations were the right instrument for speeding up the progress on UNSC reforms.[90] Concurrently, Germany initiated a so-called "overarching process", organising several Member States to draft a negotiating text.[91] The Netherlands was among the members of the "overarching process". However, the first proposals were immediately rejected by other Member States.

Intergovernmental negotiations

In September 2008, the negotiations on Security Council reform were officially moved to another forum that became known as the "Intergovernmental Negotiations".[92] These intergovernmental negotiations would work on the basis of the "positions and proposals of Member States, regional groups and other groupings of Member States".[93] This explicitly left room for the negotiations to take place along the lines of the different blocs that have emerged in the earlier years, Uniting for Consensus (UfC), the Group of Four (G4), L69 Group and the African Group. The five issues to be discussed in the intergovernmental negotiations were:[94]
1. the categories of membership;
2. the question of the veto;
3. regional representation;
4. size of an enlarged Security Council and working methods of the Council; and
5. the relationship between the Council and the General Assembly".

The name intergovernmental negotiations might have sounded promising for those Member States that were frustrated about the reform process, as it implied that actual negotiations were about to start and agreement was to be reached in the near future. However, already the kick-off demonstrated the limitations of this ambition. The first round of intergovernmental negotiations

---

[87] UN General Assembly 2007, UN Doc A/61/47, p.11.
[88] UN General Assembly 2007, UN Doc A/61/47, p.13.
[89] Swart 2013, p.26.
[90] UN General Assembly 2007, A/RES/61/47.
[91] Swart 2013, p.27.
[92] UN General Assembly 2008, Decision 62/557.
[93] *Ibid.*
[94] *Ibid.*

started in early 2009, but it took a year, and four rounds of negotiations, before the Member States could come to an agreement about the text that would provide the basis for negotiations.[95] There were several challenges to be faced, a/o:

- Uniting for Consensus, against an expansion of the amount of permanent members in the Security Council, initially opposed the creation of a negotiation text.[96] This strategy, which it would also use in other occasions, proved successful to delay procedures, but also resulted in an atmosphere of mistrust.[97]
- In the rounds of negotiation on the negotiating text, the issues of Security Council enlargement and the process proved to be particularly difficult. Whereas many Member States were in favour of expansion of the Security Council, there was disagreement on whether it would be enlarged in permanent or non-permanent categories of membership, or even both.[98]
- Delays: the process-based issue of "review" was interpreted in different ways by the Member States: some see it as an instrument to further delay the process whereas other look at is as a way to put proposed changes into practice.[99]

Finally, the negotiation text was distributed on 10 May 2010.[100] Since then, thirteen rounds of negotiations have taken place, tackling the following issues:

- The fifth round of negotiations, starting on 2 June 2010, was characterised by debates on the relationship between the General Assembly and the Security Council and on the question of how to move the process of UNSC reform forward.[101] It is said that at that time some permanent members started to become hesitant about the reform process, though this was not expressed formally.[102]
- The sixth round of negotiations was characterised by the UfC publicly complimenting its own efforts and underscoring that it was the UfC flexibility that led to a second revision of the negotiating text.[103]
- The seventh round of negotiations began on 2 March 2011. When the G4 spread a draft resolution that included language on the expansion of the Security Council in both permanent and non-permanent members, the negotiations were stalled for a period of nine months.[104] The various blocks blame each other for the lack of progress in this period.
- The eighth round of negotiations started on 28 November 2011. Here, the negotiations became more specific in nature and the different groups proposed suggestions to the texts. G4 sent their draft resolution to the Chair of the intergovernmental negotiations and it was discussed on 26 January 2012.[105] UfC presented the outcomes of meetings it organised in Italy and Mexico and emphasised its willingness to compromise.[106] L69 surprisingly stated that the Security Council should not only be enlarged, but that its new permanent members should also be granted veto power, which clearly was an attempt to bring its position closer

---

[95] Swart 2013, p.23.
[96] *Ibid.*
[97] *Ibid.*
[98] Swart 2013, p.32.
[99] Swart 2013, p.33.
[100] Swart 2013, p.35.
[101] Swart 2013, p.36.
[102] *Ibid.*
[103] *Ibid.*
[104] *Ibid.*
[105] Swart 2013, p.38.
[106] *Ibid.*

- to that of the African group.[107] The African group referred to the Ezulwini Consensus and mentioned that it was still in consultations, presumably over the L69 proposals.[108]

- On 25 July 2012, Ambassador Tanin, Chair of the intergovernmental negotiations, expressed his own proposals for the first time. His proposal to start negotiating on the basis of a working document, drafted by the Chair itself, caused quite a stir.[109] Especially UfC was upset because it had always argued against streamlining the negotiating text and thus questioned the impartiality of the Chair.[110] Tanin's proposals were not explicitly endorsed.[111]

- The ninth round of intergovernmental negotiations commenced on 16 April 2013. It became clear that Tanin's proposals for a more specific working document drafted by the chair were not endorsed, and were explicitly argued against by the C10,[112] UfC, China, the Russian Federation and the US.[113] The Member States could not decide on how to proceed the process.[114]

- On 22 October 2013, the President of the General Assembly distributed a letter announcing the establishment of an Advisory Group that would provide the basis for the intergovernmental negotiations. Expectedly, this proposal was met by widespread opposition.[115]

- At the debate on 7 and 8 November 2013, many Member States stressed that the reform of Security Council working methods could continue apart from the debate on Security Council reform.[116]

- On 10 March 2014, the tenth round of negotiations started. It was characterised by a repetition of statements and no real negotiations took place. The proposals of the Advisory Group did not spark the debates that some had hoped for.[117] The most interesting aspect of the debate was that the Chair of the C10 stressed that the Chair of the intergovernmental negotiations could have a more active role in assessing the process, which Egypt – also a member of the C10 – publicly criticised.[118]

Overall, the issue of UNSC reform is mainly discussed in the General Assembly of Member States and seems to have received less and less attention in recent years. In the period 2009-2010, the Security Council received four letters of Permanent Representatives on the matter of Security Council reform, but the matter was not discussed during any formal meetings of the Security Council.[119] The Security Council did debate working methods, but not the wider reform process.[120] In 2010-2011, the Security Council received only two letters from Permanent Representatives on reform, which was not discussed in the Security Council.[121] Since 2011, no Permanent Representatives addressed the Security Council via letters on the issue of reform.

---

[107] Swart 2013, pp.38-39.
[108] Swart 2013, p.39.
[109] Swart 2013, p.40.
[110] Swart 2013, p.40.
[111] *Ibid.*
[112] The Committee of Ten African Ministers of Finance and Central Bank Governors, created in November 2008.
[113] Swart 2013, p.42.
[114] *Ibid.*
[115] Swart 2013.
[116] *Ibid.*
[117] Center for UN Reform Education 2014a.
[118] *Ibid.*
[119] UN General Assembly 2010, A/65/2.
[120] As evidence from the annual reports that the Security Council submitted to the General Assembly in the period 2009-2014
[121] UN General Assembly 2011, A/66/2.

In response to these years of limited progress, several Member States used the 69th session of the General Assembly in September 2014 to stress that the 70th anniversary of the UN in 2015 in itself would provide a good moment to push the Security Council reform agenda forward.[122]

[122] Center for UN Reform Education 2014b.

Part 2: Dutch government efforts and policy

2.1 Dutch policy 2009-2015

UN Security Council reform has received relatively little attention in official government policy during the evaluation period. In the current coalition government's agreement of 2012, the focus of Dutch foreign policy on maintaining a functioning international legal order and human rights is emphasised.[123] With regards to multilateral diplomacy, the agreement states that the Netherlands aims to promote human rights, among others.[124] Moreover, the agreement mentions that the Netherlands aims to contribute to effective international organisations. However, although the agreement devotes a full chapter to the importance of international cooperation in EU context, the UN is only mentioned once in the document (with regard to the UN Convention on the Rights of Persons with Disabilities).

In the Dutch strategy on international security of 2013, entitled 'Secure World, Secure Netherlands' (*Veilige Wereld, Veilig Nederland*), it is emphasised that the multilateral system, and especially the UN, faces difficulties in adapting to a shifting international environment and suffers a crisis with regard to its legitimacy and effectiveness.[125] The strategy acknowledges that for the Netherlands, with an open economy and relatively little international power, a functioning international legal order and international cooperation is important for guaranteeing security, stability, and welfare. According to the strategy, the international legal order is thought to create a common ground between states on the basis of which peaceful resolutions to disputes can be found. Multilateral agreements not only provide a thorough legal framework, but also constitute a basis for the Protection of Civilians. The strategy mentions the fact that the Netherlands is one of the few countries that has included the ambition to work for a functioning international legal system in its constitution.

Although not explicitly mentioned in policy documents, the Netherlands advocated for reform of the Security Council throughout the evaluation period. The primary motivation for working towards an effective and representative UN is the promotion of the international legal order. Politically, this is a relatively uncontroversial topic: it does not have budgetary implications and given that the Netherlands will not be entitled to a permanent seat in the Security Council, it will not change the relative power of the Netherlands.[126] However, the functioning of the UN Security Council is seen to be of particular importance for the Netherlands given that it is the host country of several international legal institutions. Moreover, the Netherlands pursues an active policy on fragile states, with significant contributions to UN peacekeeping missions, which require an effective UN. According to interviews held with the MFA, the Netherlands has therefore been more active in UNSC reforms compared to other, comparable Member States.[127]

Engagement in Security Council reform at the (prime)ministerial level

During the evaluation period, between 2009 and 2014, the Netherlands has made numerous statements on the issue of both comprehensive Security Council reform and a more practical contribution on the issue of Security Council working methods. These statements were made at both

---

[123] House of Representatives 2012-2013, p.14.
[124] *Ibid.*
[125] Ministry of Foreign Affairs of the Kingdom of the Netherlands 2013a, p.3
[126] Interview with staff MFA (April 2015)
[127] *Ibid.*

the level of Permanent Representative (often jointly with Belgium), Minister of Foreign Affairs, and most recently, Prime Minister, demonstrating its importance for the Netherlands. For example:

- At the opening of the General Assembly in September 2011, the then Minister not only mentioned that the Netherlands thinks that the Security Council should better reflect today's geopolitical realities, but also stressed that the Netherlands supports a "modest enlargement of the Security Council".[128] On that occasion, the Minister also emphasised that according to the Netherlands new members of the Security Council should not be granted the right to veto, in order to keep the decision-making process as effective as possible.[129]

- At the opening of the General Assembly in September 2012, the same Minister argued that the Security Council should be reformed in order to take new political and economic realities into account, emphasising the quest of emerging power for more influence.[130] However, he also stressed that the larger share of emerging powers in the world economy should also be reflected in the contributions of those states to the budget of the UN.[131]

- More recently, the Netherlands has upgraded the engagement in Security Council reform to the level of the Prime Minister. In the opening speech to the General Assembly in September 2014, the Prime Minister underscored the need for a modern and strong Security Council.[132] The Prime Minister endorsed the French initiative with regard to restrains on the use of veto in the case of mass atrocities, because "The Security Council must be able to act in a crisis".[133] Moreover, he emphasised that the Security Council should be more representative, especially when it comes to the African states.[134]

- At the opening of the General Assembly in September 2014, the then Minister attended a High Level Meeting on the use of veto. In his intervention, he questioned what the situation in Syria and Iraq would look like if the Security Council had acted properly in 2011 and 2012. He urged all Member States to immediately embrace the proposal of the French Foreign Minister Fabius to the P-5 to voluntarily refrain from using veto in the case of mass atrocities: it should no longer be possible that one state determines the action or inaction of the UN.

- When the newly appointed Minister of Foreign Affairs visited the UN Headquarters in January 2015, he immediately emphasised that Security Council reform is high on the agenda of the Dutch government. In a speech at the International Peace Institute, he stated that "we need a Security Council that reflects today's realities. Now conflicts in places like Syria and Ukraine cannot be addressed, while it is obvious that this is necessary."[135] The Minister said that Security Council reform should at least make the Council more representative.[136] With regard to the use of veto, he stated that it should be reassessed and he endorsed the proposal of the French government for Member States to voluntarity refrain from using veto in cases of mass atrocities.[137] Additionally, the Minister stressed that the UN should discuss more "with" countries rather than talking "about" them.[138] The Minister used the occasion to reiterate that because the Netherlands believes that the UN is the most important forum for working towards international peace, justice, and development, the country aims for a non-permanent seat in the

---

[128] Minister of Foreign Affairs of the Kingdom of the Netherlands U. Rosenthal 2011.
[129] *Ibid.*
[130] Minister of Foreign Affairs of the Kingdom of the Netherlands U. Rosenthal 2012.
[131] *Ibid.*
[132] Government of the Netherlands 2014.
[133] *Ibid.*
[134] *Ibid.*
[135] Permanent Mission of the Kingdom of the Netherlands 2015.
[136] International Peace Institute 2015.
[137] *Ibid.*
[138] Permanent Mission of the Kingdom of the Netherlands 2015.

Security Council in 2017-2018.[139] During his visit, the Minister also spoke to three groups of Permanent Representatives, among which Permanent Representatives from Arab countries, about how the Security Council could be reformed.[140]

2.2 The Dutch efforts: brokering reform

This section provides an overview of the contributions of the Netherlands to the debate on UNSC reforms, through four main channels:

1. the Open-ended Working Group on Security Council Reform,
2. the intergovernmental negotiations,
3. the organisation of events on the issue of Security Council reform

2.2.1 Open ended Working Group on Security Council Reform

As mentioned in Part 1, the Netherlands was appointed as a facilitator by the President of the General Assembly (PGA) and Chairman of the Open-ended Working Group on Security Council reform back in 2007[141]. He appointed five facilitators to assist them in the consultations. The Permanent Representative of the Netherlands was appointed together with the Permanent Representatives of Chile, Croatia, Cyprus, and Tunisia.[142] Their task was to interact with all Member States and report back to the PGA at the end of March 2007.[143]

The report outcomes as co-facilitated by the Netherlands were very relevant for its own policy setting: P-5 to refrain from using veto power in case of mass atrocities and genocide; the Arria-formule of engaging relevant stakeholders; horizon briefings to monitor (future) crises; engaging troop contributing countries; and representation of developing countries and small states.

2.2.2 Intergovernmental negotiations

Within the intergovernmental negotiations and the lead-up to it, there are three moments in which the contribution of the Netherlands was particularly substantial. These moments lie in the period of the preparations for the intergovernmental negotiations, in the fourth round of intergovernmental negotiations, and in the fifth round of intergovernmental negotiations.

In 2007, the Member States decided that intergovernmental negotiations were the right instrument for continuing the process of Security Council reform. To speed up the reform process, Germany initiated an "overarching process", consisting of several Member States that would draft a negotiating text.[144] Although this process was open to all Member States, only 40 of them actively participated in it.[145] The Netherlands contributed to drafting the text, together with Cyprus, Germany, Malaysia, Romania, and the United Kingdom.[146] The text, presented early 2008, proposed to add seven new members to the Security Council, with two of the new seats allocated to Africa, two to Asia, one to Latin America and the Caribbean, one to Western Europe and one to Eastern

---

[139] *Ibid.*
[140] De Volkskrant 2014.
[141] Although strictly speaking this occurred before the evaluation period, its outcome was very relevant for policy setting of the Dutch government, as outlined in the next paragraph
[142] UN General Assembly 2007, A/61/47, p.3.
[143] *Ibid.*
[144] Swart 2013, p.27.
[145] *Ibid.*
[146] *Ibid.*

Europe.[147] The proposal was formulated as an intermediary solution, which immediately faced criticism from India, stating that an interim solution was part of the problem, not a solution.[148] The debate that followed confirmed the complexity of the process.[149] Diplomats close to Uniting for Consensus (UfC) remarked that the proposal was actually too much focused on reaching tangible results in a short time, which stumbled upon opposition.[150]

On 19 November 2009, the fourth round of intergovernmental negotiations commenced. Ambassador Tanin, Chair of the intergovernmental negotiations, called upon the Member States to reflect on their positions.[151] This was generally understood as a call to Member States to come up with innovative suggestions and to prevent repetition of the earlier rounds.[152] Only a few countries did actually revise their proposals, of which the Netherlands was one.[153] The Netherlands suggested an intermediary period of 8-10 years followed by a review.[154] Slovenia came up with similar proposals, although it suggested a 12-year period followed by a review.[155]Throughout, the Netherlands supported Ambassador Tanin with a budget for extra capacity in the framework of UNSC reform, a way of support it would later extend to the Jamaican chair.

On 2 June 2010, the fifth round of intergovernmental negotiations started.[156] In the discussions about the relationship between the General Assembly and the Security Council, the Benelux was among the groups that made some specific suggestions on how to combine the language on this topic into a common ground.[157] When Luxembourg was elected as a non-permanent member of the Security Council, the Netherlands and Belgium started to cooperate more closely and were recognised as a 'group'.[158] Swart observes that the Netherlands and Belgium have asked provocative questions, which resulted in the possibility to discuss some specific issues that other countries would not have had brought up.[159]

The current negotiations, led by the Ambassador of Jamaica, proceed slowly. The Netherlands has provided the same type of support to the chair as to Afghanistan. The deadlock consists of a refusal of mainly the United for Consensus group to proceed towards text-based negotiations.

2.2.3 Organisation of conferences and events

The momentum for the reform process had practically been entirely lost in 2010 and 2011. Therefore, in 2011 meetings were organised outside of New York in Rome, Doha, Mexico City and Tokyo. At the meeting in Tokyo, the Netherlands proposed an intermediary solution, similar to the one that was proposed at the UN in New York in 2009[160].

On 10 November 2014, the Dutch Ministry of Foreign Affairs and the Netherlands Institute of International Relations Clingendael organised a conference about Security Council reform, in

---

[147] Von Freiesleben 2008.
[148] Swart 2013, p.27.
[149] Von Freiesleben 2008.
[150] *Ibid.*
[151] Swart 2013, p.34.
[152] *Ibid.*
[153] *Ibid.*
[154] *Ibid.*
[155] *Ibid.*
[156] Swart 2013, p.36.
[157] *Ibid.*
[158] *Ibid.*
[159] *Ibid.*
[160] Other outcomes were not published as this meeting was under Chatham House rules.

cooperation with the Brazilian Embassy in the Hague and the Brazilian Think Tank Igarapé. The theme of the conference was "'Setting a progressive United Nations peace and security agenda: searching for new narratives".[161] The conference aimed to reflect about the progress of former debates and encouraged the participants, which mainly were policymakers, experts and representatives of civil society organisations to think out of the box and came up with innovative proposals on proportional enlargement, working methods etc.

2.3 Analysis of the Dutch policy and efforts

In this section, the policy and efforts of the Netherlands government in the UN Security Council reform agenda will be reviewed and analysed, relating back to the categories of legitimacy and effectiveness.

2.3.1 On legitimacy

With regard to representativeness, several recurring stances can be found in the argumentation of the Netherlands:

1. the matter of reflection of current geopolitical realities;
2. the representation of African countries, middle and small countries, and SIDS; and
3. the issues with regard to regional organisations
4. transparency of the UNSC

Firstly, in many of the statements made in the period 2009-2011, the Netherlands emphasised its overall goal that the Security Council should reflect the geopolitical realities in the 21st century. An argument is that a better reflection of the world affairs contributes to "a more credible United Nations and a reinforced international system".[162] Moreover, the Netherlands specifically referred to emerging economies with global ambitions that are prepared to take up global responsibilities as an example of a group of countries that needs to be represented in the Security Council.[163] However, the Netherlands does not further elaborate on this remark in most of its other statements with regards to representation.

Secondly, with regard to the representation of developing countries, the Netherlands is quite clear in expressing its preferences. The Netherlands is in favour of a better representation of all continents in the Security Council and thinks that the Council should be representative of the current Member States of the United Nations.[164] The Permanent Representative at the UN in New York has argued that the in particular the African continent should be better represented in the Security Council. The Netherlands aligns with the frequently heard argument that this should be the case because Africa is the continent that is often on the agenda of the Security Council, but also emphasises that "the African continent should be fully involved in dealing with peace and security in our world, wherever it is necessary."[165] Moreover, the safeguarding of the interests of small and medium-sized states in an expanding Security Council has been brought op repeatedly by the Netherlands, focusing on the least developed countries, middle income countries and Small Island Developing States (SIDS).[166] For example, the Netherlands stated that "an enlarged Council should not make it more difficult for smaller countries to contribute to the work of the Council by becoming a non-permanent

[161] Clingendael 2014a.
[162] Permanent Representative of the Kingdom of the Netherlands to the UN H.A. Schaper 2013.
[163] Permanent Representative of the Kingdom of the Netherlands to the UN H.A. Schaper 2011.
[164] House of Representatives 2014-2015, p.3.
[165] Deputy Permanent Representative of the Kingdom of Belgium to the UN P. Buffin 2014a.
[166] *Ibid.*

member."[167] This topic is clearly of national interest for the Netherlands given that the Kingdom of the Netherlands, a small country itself also includes three SIDS (Aruba, Curacao, and Sint Maarten), who obviously do not want to lose say at the Security Council.

Thirdly, the Netherlands emphasised the "the importance of cooperation between the UN and relevant regional organisations" and stresses that the regional organisations should be more involved on thematic issues.[168] The Netherlands places the responsibility with the regional groups to propose desirable possibilities for representativeness.[169] On other occasions, the Netherlands stressed that the Council's ability to reach out to regional organisations should be increased to a reform in working methods.[170] However, the Netherlands does not specifically address what regional organisations should be consulted more.

Fourthly, the Netherlands underscores the need of representativeness by focusing on transparency of the work of the Security Council. This includes the extent to which states that are not a member of the Security Council can contribute to the debates. For the Netherlands, the matter of transparency is related to representativeness as was expressed in the following way:

> the fact that the representation of the UN Membership in the Security Council has decreased relative to the situation at the inception of the UN increases the need for the Security Council to function in a transparent and inclusive way. [171]

In recent years, the Netherlands has emphasised on several occasions that the organisation of Arria formula meetings, in which non-Council members including NGOs can participate, held outside of the Council chambers is a desirable way towards enhancing a transparent dialogue between members of the Security Council and other (non-state) actors.[172] The Netherlands encouraged the monthly Presidents of the Security Council to ensure "the transparency, the outreach towards the wider UN membership and the efficiency of the Council of the Council" under their presidency.[173] The Netherlands also commended steps towards greater effectiveness, public briefings and debates, and interactive dialogues because it enhances the UNSC's potential to increase outreach to regional organisations, civil society, and other stakeholders.[174] Moreover, the Netherlands stressed that the Security Council should involve the country at stake when it is organising a country-specific discussions using an ad hoc formula that needs to be decided upon.[175] It would grant the country under debate an opportunity to put its point of view forward, and the Security Council can debate in closed consultations in a later stage.[176] Finally, the Netherlands is in favour of having a stronger involvement at the Security Council of the Police and Troop Contributing Countries, such as the Netherlands itself, to peacekeeping operations. Specifically, the Netherlands has argued in favour of an "increased interaction between the Security Council, troop- and police-contributing countries and the Secretariat. This type of interaction would be particularly welcome prior to the deployment and after the return of Technical Assessment Missions."[177] Moreover, the Netherlands welcomes India's

---

[167] Permanent Representative of the Kingdom of Belgium to the UN B . Frankinet 2014a.
[168] Permanent Representative of the Kingdom of the Netherlands to the UN K.J.G. van Oosterom 2014b.
[169] House of Representatives 2014-2015, p.3.
[170] Permanent Representative of the Kingdom of Belgium to the UN J. Grauls 2011.
[171] Permanent Representative of the Kingdom of Belgium to the UN B. Frankinet 2014b.
[172] Permanent Representative of the Kingdom of the Netherlands to the UN K.J.G. van Oosterom 2014b.
[173] Permanent Representative of the Kingdom of Belgium to the UN J. Grauls 2011.
[174] *Ibid.*
[175] *Ibid.*
[176] *Ibid.*
[177] *Ibid.*

initiative to increase the participation of the chairs of the country-specific configurations of the Peacebuilding Commission.[178]

On authority as such (as part of legitimacy described in Part 1), the Netherlands made few literal references but did comment on ineffectiveness, as described in the next section, whether the Security Council is effectively fulfilling its mandate.

2.3.2 On effectiveness

An effective Security Council is a top priority for the Netherlands. This is related to cooperation between Member States and veto power, the UNSC's ability to fulfill its mandate to maintain international peace and security and the cooperation with subsidiary bodies as part of the working methods.

Veto

The Netherlands has argued that the use of veto by the permanent members of the Security Council should be limited and is openly against granting new permanent members of the Security Council veto power.[179] A reason provided for this is that an extension of veto power would hamper the effectiveness of the Security Council.[180] In another statement (2012), the Netherlands indicated that "In the end, this whole reform should lead to a more efficient Council; a Council that, according to article 24 of the Charter, ensures prompt and effective action by the United Nations." [181] In a statement in 2014, the Netherlands elaborated on this by arguing that "only a few have the power to wield a veto, while all of us bear responsibility for failing to act when we should."[182]

The Netherlands clearly indicated that the debate on the use of veto is not an issue that can simply be discussed in the framework of Security Council Working methods, but that it is a politically sensitive topic that belongs in the context of the comprehensive intergovernmental negotiations. [183] The Netherlands also emphasised that the improvement of working methods is "neither dependent on or sequential" to the progress on the matter of veto powers.[184]

Mandate

With regard to fulfilling the mandate of the Security Council, there is one specific proposal that the Netherlands has actively endorsed in the last years: the call from the French government to the P-5 to voluntarily refrain from using veto in the situations of mass atrocities. This proposal has been supported in various statements in General Assembly debates by the Permanent Representative. The Netherlands has described the proposal as "both ambitious and heartening" and encourages other permanent members of the Security Council to be open towards the proposal. [185] In another statement, the Netherlands indicated that:

> at times, an overly contentious use of the veto hampers the Council's ability to act in the interest of peace and stability. Extending the number of veto-wielding members could only add to the frequency of such instances. [186]

---

[178] Permanent Representative of the Kingdom of the Netherlands to the UN H.A. Schaper 2012c.
[179] House of Representatives 2014-2015, p.3.
[180] Permanent Representative of the Kingdom of Belgium to the UN J. Grauls 2012a.
[181] Permanent Representative of the Kingdom of the Netherlands to the UN H.A. Schaper 2012b.
[182] Permanent Representative of the Kingdom of the Netherlands to the UN K.J.G. van Oosterom 2014d.
[183] Permanent Representative of the Kingdom of the Netherlands to the UN H.A. Schaper 2012a.
[184] Permanent Representative of the Kingdom of the Netherlands to the UN K.J.G. van Oosterom 2014b.
[185] Permanent Representative of the Kingdom of the Netherlands to the UN K.J.G. van Oosterom 2013a.
[186] Permanent Representative of the Kingdom of the Netherlands to the UN K.J.G. van Oosterom 2014c.

In the fall of 2014, the current Prime Minister expressed support for the proposal at the opening of the General Assembly in September. The Minister of Foreign Affairs participated in a High Level Meeting organised by France and Mexico in 2014 on this topic and urged to immediately accept the proposals. In an explanation of the motivation for this endorsement, the current Minister explained that the government does not want to acquiesce in the deadlock of the Security Council in the case of Syria and Ukraine.[187] He emphasised that the fact that France is a permanent member of the Security Council increases the credibility of the proposal and expressed the hope that other permanent members will follow the example.[188]

The Netherlands has emphasised that the issue of voluntary constraining the use of veto does not need to go hand in hand with the debate about what potential new permanent members of the Security Council would be granted veto power. The current Permanent Representative stated that: "the question of when can and should also be addressed, regardless of progress or lack thereof on the question of who."[189]

Moreover, with regard to fulfilling the mandate of ensuring international peace and security, the Netherlands has argued in favour of a broader spectrum of topics that are within the scope of work of the Security Council. Although "in recent years, the Security Council focused on climate change, international crime, terrorism, piracy, diseases, natural resources and other so-called 'new issues' that affect international peace and security", the Netherlands encourages the Security Council "to consult even more broadly than it has done so far."[190] Interestingly, despite the fact that the Netherlands is a firm supporter of the Responsibility to Protect (R2P), it has not stressed this issue in the context of the debates on Security Council reform.

Working methods

On several occasions, the Netherlands emphasised that the debate on Security Council working methods should be seen as an issue separate from the highly politicised debate about comprehensive Security Council reforms. In 2011, The Netherlands highlighted that it does not want "the further development of better working methods to become hostage to a lack of progress on the wider debate about Security Council reform.[191] This mantra has been repeated in the period until 2012, for instance by stating that "the debate on the non-political aspects of the working methods of the Security Council [...] should be handled on a separate track, as has actually already been the case in recent years. [192] The Netherlands argued that more effective working methods do not have to be the result of a wider reform process. Rather, "there is scope to do so right now, within the Council's current size and composition"[193]

Within the scope of more effective working methods, the Netherlands focuses on effective cooperation with subsidiary organs and other institutions. The Netherlands believes that the working methods of the subsidiary bodies of the Security Council should be thoroughly reviewed, especially with regard to decision making.[194] Specifically, the Netherlands strongly believes that the

---

[187] House of Representatives 2014-2015, p.3.
[188] House of Representatives 2014-2015, p.2.
[189] Permanent Representative of the Kingdom of the Netherlands to the UN K.J.G. van Oosterom 2014c.
[190] Permanent Representative of the Kingdom of Belgium to the UN J. Grauls 2011.
[191] *Ibid.*
[192] Permanent Representative of the Kingdom of Belgium to the UN J Grauls 2012b.
[193] Permanent Representative of the Kingdom of the Netherlands to the UN K.J.G. van Oosterom 2014d.
[194] Permanent Representative of the Kingdom of the Netherlands to the UN K.J.G. van Oosterom 2014b.

working methods of the subsidiary organs of the Security Council can be more transparent and inclusive. [195] According to the Netherlands, the following is a commendable example:

> The Working Group on Children and Armed Conflict, under the present German Chairmanship, has granted access to Chairs of PBC configurations because issues like child soldiers and gender-based violence against children are all too often common practices in countries on the agenda of the PBC-configurations. This practice of granting access to a subsidiary organ should be generalized and should be adopted as a general rule by all subsidiary organs, as appropriate."[196]

The Netherlands encourages the Security Council to invite the chairs of the PBC configurations to participate not only in open briefings, but also in closed consultations. [197] Moreover, the Netherlands believes that the chairs of the subsidiary organs should be "assigned in an equitable and transparent way, taking into consideration the necessary capacities to perform well at the helm of the most demanding subsidiary bodies."[198]

Moreover, because of their role in conflict prevention and resolution, the Netherlands argues that the relations between the legal institutions of the UN and the Security Council could be intensified.[199] The Netherlands commended the Council for having referred situations to the International Criminal Court, such as happened in the case of Sudan and Libya. [200] Moreover, the Netherlands asks the members of the Security Council to more frequently use their capacity to oblige Non State Actors to cooperate with the Court. [201] However, merely referring a situation to the ICC is not enough, and the Netherlands has stressed that the Security Council should ensure an effective follow up. [202] In this regard, the Netherlands argues that the interaction between the Court and the UNSC via the semi-annual briefings by the Prosecutor can be expanded and would welcome a more frequent interaction and more active cooperation in order to ensure that the resolutions are put into practice. [203] Specific suggestions are to include the ICC in the mandate of the Informal Working Group on International Tribunals. [204] In the context of the lack of capacity at the ICC, the Netherlands emphasised that resolution 68/305 of the General Assembly noted the need for funding of expenses related to investigations or prosecutions of the ICC, including for situations that the Security Council referred to the ICC. [205]

Due to the deadlock at the Security Council while political and humanitarian crises continued, the Netherlands emphasises the role that the General Assembly should take in keeping certain issues on the agenda is vital when the Council is unable to do so for political reasons.[206] Moreover, the Netherlands emphasises that the cooperation between the Security Council and the General Assembly can be deepened using the annual report of the Security Council to the General Assembly.[207] The report offers a useful overview of the programme of work at the Security Council and it provides insights on the debates among its members, but the Netherlands has argued that it

---

[195] Permanent Representative of the Kingdom of Belgium to the UN J. Grauls 2011.
[196] *Ibid.*
[197] Permanent Representative of the Kingdom of the Netherlands to the UN K.J.G. van Oosterom 2014b.
[198] *Ibid.*
[199] *Ibid.*
[200] Permanent Representative of the Kingdom of the Netherlands to the UN K.J.G. van Oosterom 2014a
[201] *Ibid.*
[202] *Ibid.*
[203] *Ibid.*
[204] *Ibid.*
[205] *Ibid.*
[206] Permanent Representative of the Kingdom of Belgium to the UN B. Frankinet 2014b.
[207] *Ibid.*

could also be seen as an opportunity for reflection: because it is written months after the events occurred, it would be a good moment for evaluation of those events.[208] Moreover, the wider membership of the UN has the opportunity to participate in evaluating the report when it is presented at the General Assembly. The Netherlands encourages Member States to convey a deeper interest for the annual report and engage in deeper debates.[209]

2.3.3. Consistency in Dutch policy

There are consistency issues with regard to the Netherlands policy on UNSC reform, in particular with regard to its position on the regional EU seat vs Germany's candidature for a permanent seat, and what a larger council - which the Netherlands government pleads for to increase legitimacy – would mean for its effectiveness to maintain international peace and security.

Effective and legitimate

The first matter is the tension that exists between reforming a Security Council in such a manner that is effective as well as legitimate. As described above, the Netherlands has on numerous occasions called for a Security Council that represents current geopolitical realities and the Netherlands therefore supports the bid of several emerging economies and states on the African continent to acquire a permanent seat in the Security Council. However, at the same time the Netherlands calls for a Security Council that functions in an effective way, which might well be hampered by its enlargement. [210] Already in 2005, the Dutch Permanent Representative stated that "No one can seriously believe a Council with 24 members can be more effective than one with 15, but it has become politically incorrect to point this out".[211] As a way of overcoming this tension, the Netherlands has emphasised that the amount of new (non-) permanent seats in the Security Council should be limited and advocated against giving possible new permanent members veto power.

EU representation

The second example is concerned with the representation of the EU as a region or the representation of its individual Member States in the Security Council. In the debate on Security Council reform, the EU does not operate as one because the Member States have different interests at stake[212]. Some Member States, such as the Netherlands, have been regularly elected as a non-permanent member of the Security Council, while others have never held a non-permanent seat. Moreover, within the EU there are Member States, specifically Germany, that are interested in acquiring a permanent seat in the Security Council.

The Netherlands claims to be advocating for a European seat in the Security Council.[213] Moreover, the Netherlands aims to create support at the EU to appoint a permanent seat for the EU in the Security Council.[214] In case the EU seat would be granted, the Netherlands is not in favour of veto power for this new member.[215] However, in practice, the Netherlands does not prioritise the EU seat in the UNSC and it is not mentioned in official statements at the UN in New York. Chances for a EU seat are considered slim,[216] because there is no agreement among the Member States of the EU about this and the P2 (Great Britain and France) obviously do not support the proposal[217].

---

[208] *Ibid.*
[209] Permanent Representative of the Kingdom of Belgium to the UN B. Frankinet 2014b.
[210] House of Representatives 2014-2015, p.3.
[211] Van Walsum 2005.
[212] Interview with staff MFA.
[213] House of Representatives 2014-2015, in response to questions of MP Van Oijik p.2.
[214] *Ibid.*
[215] House of Representatives 2014-2015, p.3.
[216] Interview with staff MFA.
[217] interview with staff MFA.

Moreover, the Netherlands has supported the cause of the G4, of which Germany is a member, throughout the evaluation period 2009-2014 at various levels; both tacitly and openly.[218] Supporting a particular Member State of the EU as well as a general EU seat is irreconcilable, especially given that the European continent is already represented by two permanent seats in the Security Council.

Candidature for non-permanent seat

In 2015, the Netherlands formally launched its campaign for a non-permanent seat in the Security Council in the period 2017-2018. With this candidacy, the Netherlands aims to improve the cooperation between the international legal institutions in the Hague and promote the rule of law and human rights.[219] The current Minister intends to make Security Council reform an integral part of the campaign.[220] However, as with any other campaign, the quest for a non-permanent seat in the Security Council requires broad-based support for its bid, in this case from the General Assembly. The Netherlands explicitly emphasised, e.g. in the above mentioned security strategy, that the Dutch candidacy is not conflicting with the long-term goal to reform the Security Council, including a permanent seat for the EU (with a more coherent policy on international security).[221] Nevertheless, the statements of the Netherlands in the period 2013-2014 on Security Council reform have clearly become more general in tone, whereas some statements in 2011 still expressed a more critical and impatient stance. A clear example of this frustration can be found in the following statement of Ambassador in 2011:

> Nearly twenty years ago, in a previous posting here in New York in the mid-nineties, I represented my country in the ongoing discussions which were already taking place at that time on Security Council reform. As is the case at this moment, the issue which was discussed most of the time, was the enlargement of the Council. The different options for such an enlargement are still the same as were discussed then: enlargement in both categories of membership of the Council, enlargement only in the category of non-permanent members, and some sort of intermediary solution. And all the arguments and considerations which were used then, are still used nowadays. […] This cannot go on. Here we have an issue on which the great majority of the Member States declares that a solution needs to be found, but the same Member States are unable to come to an agreement for twenty years now. This not only undermines the legitimacy of the Security Council, it also undermines the credibility of the United Nations as an institution that is capable to solve problems and to act efficiently.[222]

The Netherlands has come to realise that reform of the Security Council is deadlocked by its own veto power. Reform is about fighting the symptoms and mitigating the negative effects of the veto power.

However, the Netherlands has in recent years intensified its activities - not specifically on UN Security Council reform itself - on issues of related interest such as effectiveness of UN peacekeeping. In 2013 the Netherlands decided to participate in the third largest UN peacekeeping mission, the Multidimensional Integrated Stabilization Mission (MINUSMA) in Mali (West-Africa). In February 2015, it has organised the conference 'Delivering Peace & Protection: The Convening Power of United Nations Peace Operations' in the Netherlands. The campaign's website mentioned

---

[218] 1 April 2014: "In previous debates, the Netherlands and Belgium have expressed full support for […] the proposals of the G4, Brazil, Germany, India, Japan, to achieve concrete progress in genuine text-based negotiations", by Deputy Permanent Representative of the Kingdom of Belgium to the UN P. Buffin 2014a.

[219] Ministry of Foreign Affairs 2013a, p.14.

[220] House of Representatives 2014-2015, p.4.

[221] Ministry of Foreign Affairs 2013a, p.14.

[222] Permanent Representative of the Kingdom of the Netherlands to the UN H.A. Schaper 2011.

that the event helped mobilise more European contributions to UN peace operations, as part of the Netherlands' support for the strategic review of UN peace missions. [223]

Summary and conclusions

The Netherlands government has been consistently committed to UN Security Council (UNSC) reform. Its policy and efforts reflect due regard for the two main issues, its legitimacy and effectiveness. For a relatively small and open country as the Netherlands, a well functioning international legal order and international cooperation are considered crucial. Promotion of a functioning international legal order provides the main motivation for the Dutch commitment to UN reform (2.1).

In practice, the Netherlands has been actively involved in the UNSC reform in a broker role, through the Working Group on Security Council Reform and in the intergovernmental negotiations. The focus of policy and efforts has been on improved representativeness and effectiveness (UNSC seats, veto power and working methods). In view of the Council's lack of effectiveness with regard to acting on the world's increasingly complex crises, the Netherlands has been playing an active role towards the General Assembly in order to keep these on the agenda - and arguably in order to gain support for its election as a non-permanent member of the Security Council for the period 2017-2018.

However its various positions could ultimately be contradictory whenever it would come to a vote. An EU seat – and the government's claim to advocate for that - would mean an overhaul of the whole system of the UN system which, unlike the EU, is based on the principle one country, one vote. Its (earlier) position in support of G4 (Germany) seems more consistent with that; but then again Western Europe is already overrepresented in the Security Council. A better representation of African countries seems desirable for legitimacy reasons (and could win extra votes for the Dutch campaign for a seat) but could trigger a chain reaction and result in a substantial enlargement, which goes beyond the point of effectiveness; being one of the main concerns of the Netherlands. Although the likelihood of an actual vote on UN Security Council reform at this stage is low, the Netherlands could find itself between a rock and a hard place.

---

[223] See website Kingdom of the Netherlands Security Council Candidate 2017-2018
http://www.nlinunsc.nl/what-we-do/justice/protection-of-civilians

Works cited

African Union Executive Council (2005) The Common African Position on the Proposed Reform of the United Nations: "The Ezulwini Consensus" (Ext/EX.CL/2 (VII) [online]. Available from: http://www.centerforunreform.org/sites/default/files/Ezulwini%20Consensus.pdf [Accessed 13 April 2015].

Al Jazeera America (2014) An unlikely push for Security Council members to give up their veto power. Available from:
http://america.aljazeera.com/articles/2014/9/24/un-security-councilveto.html [Accessed 29 March 2015].

Bédarida, F. (2001) Winston Churchill's image of France and the French. Historical Research 74(183)

Blum, Y. Z. (2005) Proposals for UN Security Council Reform. The American Journal of International Law 99(3)

Center for UN Reform Education (2014a) Is There Momentum for Security Council Reform? What are the Obstacles? [online]. Available from: http://www.centerforunreform.org/?q=node/602 [Accessed 10 April 2015].

Center for UN Reform Education (2014b) 69th Session of the UN General Assembly: the General Debate and UN Reform [online]. Available from: http://centerforunreform.org/?q=node/624 [Accessed 10 April 2015].

Clingendael (2014a) Conferentie over hervormingen van de VN Veiligheidsraad (10 nov) [online]. Available from: http://www.clingendael.nl/news/conferentie-over-hervormingen-van-de-vn-veiligheidsraad-10-nov [Accessed 13 April 2015].

Clingendael (2014b) Concluding observations by Bibi van Ginkel [online]. Available from: http://www.clingendael.nl/sites/default/files/Concluding%20observations%20by%20Bibi%20van%20Ginkel_0.pdf [Accessed 19 April 2015].

Dahl, R. (1971) Polyarchy: participation and opposition. New Haven, Yale University Press.

De Volkskrant (2015) Koenders dringt aan op hervorming Veiligheidsraad [online]. Available from: http://www.volkskrant.nl/buitenland/koenders-dringt-aan-op-hervorming-veiligheidsraad~a3834792/ [Accessed 13 April 2015].

Deputy Permanent Representative of the Kingdom of Belgium to the UN P. Buffin (2014a) Statement on behalf of the Netherlands and Belgium to the General Assembly on the issue of "Security Council Reform – Regional representation". New York, 1 April 2014 [online]. Available from: http://www.netherlandsmission.org/statements/2014/security-council-reform-%E2%80%93-regional-representation.html [Accessed 15 March 2015].

Evans, G. (2014) The Consequences of Syria: Does the Responsibility to Protect Have a Future?, available from: http://www.e-ir.info/2014/01/27/the-consequences-of-non-intervention-in-syria-does-the-responsibility-to-protect-have-a-future/

Franck, T. (1988) Legitimacy in the International System. The American Journal of International Law 82(4),

Glennon, M.J. (2003) Why the Security Council Failed. Foreign Affairs 82(3)

Government of the Kingdom of the Netherlands (2014) Address to the 69th Session of the United Nations General Assembly by Mark Rutte [online]. Available from: http://www.government.nl/documents-and-publications/speeches/2014/09/26/address-to-the-69th-session-of-the-united-nations-general-assembly-by-mark-rutte.html [Accessed 13 April 2015].

House of Representatives (2010-2011) 26150, no. 102. General Assembly of the United Nations. Letter from the Minister and State Secretary of Foreign Affairs. 30 August 2011.

House of Representatives (2011-2012) 32606, no. 94. Policy with Regards to Development Assistance. Letter from the State Secretary for Foreign Affairs. 21 May 2012.

House of Representatives (2012-2013) 2012D39999. Coalition Agreement "Building Bridges". 29 October 2012.

House of Representatives (2012-2013) 33625, no 5. Aid, Trade and Investments. List of Questions and Answers. 21 May 2013.

House of Representatives (2012-2013) 261580, no.128. General Assembly of the United Nations. Letter from the Minister of Foreign Affairs and Minister for Foreign Trade and Development Cooperation. 4 March 2013.

House of Representatives (2012-2013) 33694, no. 1. International Security Strategy. Letter from the Minister of Foreign Affairs. 21 June 2013.

House of Representatives (2012-2013) 21501, no.1272. Council of General Affairs and Council of Foreign Affairs. Report of a General Debate. 2 July 2013.

House of Representatives (2012-2013) 26150, no. 132. General Assembly of the United Nations. Letter from the Minister of Foreign Affairs and Minister for Foreign Trade and Development Cooperation. 30 August 2013.

House of Representatives (2013-2014) 26150, no. 138. General Assembly of the United Nations. Letter from the Minister for Foreign Trade and Development Cooperation. 7 May 2014.

House of Representatives (2014-2015) 26160, no. 139. General Assembly of the United Nations. Letter from the Minister of Foreign Affairs and Minister for Foreign Trade and Development Cooperation. 8 September 2014.

House of Representatives (2014-2015) 26150, no. 140. General Assembly of the United Nations. Report of a General Debate. 29 October 2014.

House of Representatives (2013-2014) 2014D26958. Visit of Members of the House of Representatives at the 69th General Assembly of the United Nations. 16 July 2014.

House of Representatives (2014-2015) 2015Z01131. Questions Asked by Member of Parliament Van Ojik to the Minister of Foreign Affairs with Regards to a European Seat in the UN Security Council. 23 January 2015.

Imber, M. (2006) The Reform of the UN Security Council. International Relations 20(3)

International Peace Institute (2015) Dutch FM Koenders: "The Security Council Has to Change" [online]. Available from: http://www.ipinst.org/2015/01/dutch-fm-koenders-the-security-council-has-to-change [Accessed 15 March 2015).

Kaldor, M. (2007) New and Old Wars. Second edition. California: Stanford University Press.

Kennedy, P. (2006) The Parliament of Man: The Past, Present, and Future of the United Nations. New York: Random House.

Kirgis, F.L. (1995) The Security Council's First Fifty Years: The American Journal of International Law, 89(3)

Lehmann, V. (2013) Reforming the Working Methods of the UN Security Council: The Next ACT [online]. Perspective / Friedrich-Ebert-Stiftung, pp.1-6. Available from: http://library.fes.de/pdf-files/iez/global/10180.pdf [Accessed 15 March 2015).

Luard, E. (1994) The United Nations: How it Works and What it Does. Basingstoke: Macmillan.

Ministry of Foreign Affairs (2013a) Internationale Veiligheidsstrategie: Veilige Wereld, Veilig Nederland. Pp. 20. Available from: http://www.rijksoverheid.nl/documenten-en-publicaties/rapporten/2013/06/21/veilige-wereld-veilig-nederland-internationale-veiligheidsstrategie.html [Accessed 24 April 2015].

Ministry of Foreign Affairs (2013b) Voor Nederland, wereldwijd. Samen werken aan toonaangevende diplomatie. Available from: http://www.rijksoverheid.nl/documenten-en-publicaties/brieven/2013/06/28/voor-nederland-wereldwijd.html [Accessed 24 April 2015].

Permanent Mission of the Kingdom of the Netherlands to the United Nations in New York (2015) Koenders wants the world to empower the UN [online] Available from: http://www.netherlandsmission.org/news/2015/01/koenders-wants-the-world-to-empower-the-un.html [Accessed 15 March 2015].

Permanent Representative of the Kingdom of Belgium to the UN J.B. Grauls (2011) Statement on behalf of the Netherlands and Belgium to the Security Council on the issue of "Implementation of the note by the President of the Security Council" (working methods). New York, 1 December 2011 [online]. Available from: http://www.netherlandsmission.org/statements/2011/1-dec-11.html [Accessed 15 March 2015].

Permanent Representative of the Kingdom of Belgium to the UN J.B. Grauls (2012a) Statement on behalf of the Netherlands and Belgium to the General Assembly on the issue of "The G4 proposal for Security Council Reform" New York, 26 January 2012 [online]. Available from:

http://www.netherlandsmission.org/statements/2012/26-january-12.html [Accessed 15 March 2015].

Permanent Representative of the Kingdom of the Belgium to the UN B. Frankinet (2014a) Statement on behalf of the Kingdom of the Netherlands and the Kingdom of Belgium on the issue of "Security Council Reform – Categories of Membership". New York, 13 March 2014.

Permanent Representative of the Kingdom of the Netherlands to the UN H.A. Schaper (2011) Statement on behalf of the Netherlands and Belgium to the General Assembly on the issue of 'Security Council reform'. New York, 8 November 2011 [online]. Available from: http://www.netherlandsmission.org/statements/2011/8-nov-11.html [Accessed 15 March 2015].

Permanent Representative of the Kingdom of the Netherlands to the UN H.A. Schaper (2012a) Statement on behalf of the Netherlands and Belgium to the United Nations on the issue of "S-5 proposal for improvement of the working methods of the Security Council New York, 2 May 2012" [online]. Available from: http://www.netherlandsmission.org/statements/2012/2-may-12.html [Accessed 15 March 2015].

Permanent Representative of the Kingdom of the Netherlands to the UN H.A. Schaper (2012c) Statement on behalf of the Netherlands and Belgium to the Security Council on the issue of the "The Uniting for Consensus for Security Council Reform". New York, 21 February 2012 [online]. Available from: http://www.netherlandsmission.org/statements/2012/security-council-statement-by-ambassador-herman-schaper-on-the-issue-of-the-%E2%80%9Csecurity-council-open-debate-on-working-methods%E2%80%9D.html [Accessed 15 March 2015].

Permanent Representative of the Kingdom of the Netherlands to the UN H.A. Schaper (2013) Statement on behalf of the Netherlands and Belgium to the General Assembly by on the issue of "Security Council Reform". New York, 16 April 2013 [online]. Available from: http://www.netherlandsmission.org/statements/2013/sc-statement-by-ambassador-herman-schaper-on-behalf-of-belgium-and-the-netherlands.html [Accessed 15 March 2015].

Permanent Representative of the Kingdom of the Netherlands to the UN K.J.G. van Oosterom (2014a) Statement on behalf of the Netherlands and Belgium to the Open Debate of the Security Council on "Working Methods of the Security Council". New York, 23 October 2014 [online]. Available from: http://www.netherlandsmission.org/statements/2014/working-methods-of-the-security-council.html [Accessed 15 March 2015].

Permanent Representative of the Kingdom of the Netherlands to the UN K.J.G. van Oosterom (2014b) Statement on behalf of the Netherlands and Belgium to the Intergovernmental Negotiations on the issue of "Security Council Reform – Size of an Enlarged Council and Working Methods of the Council". New York, 11 April 2014 [online]. Available from: http://www.netherlandsmission.org/statements/2014/statement-to-the-intergovernmental-negotiations.html [Accessed 15 March 2015].

Permanent Representative of the Kingdom of the Netherlands to the UN K.J.G. van Oosterom (2014c) Statement on behalf of the Netherlands and Belgium to the General Assembly on the issue of "Security Council Reform – The Question of the Veto". New York, 19 March 2014 [online]. Available from http://www.netherlandsmission.org/statements/2014/security-council-reform-%E2%80%93-the-question-of-the-veto.html [Accessed 15 March 2015].

Permanent Representative of the Kingdom of the Netherlands to the UN K.J.G. van Oosterom (2014d) Statement on behalf of the Netherlands and Belgium for the Intergovernmental Negotiations on Security Council Reform on the issue of "Security Council Reform - cross-cutting issues". New York, 8 May 2014 [online]. Available from: http://www.netherlandsmission.org/statements/2014/statement-for-the-intergovernmental-negotiations-on-security-council-reform.html [Accessed 15 March 2015].

RT (2012) Medvedev: Russia-US 'reset' done, time to develop relations [online]. Available from: http://rt.com/politics/official-word/medvedev-finland-interview-visit-649/ [Accessed 7 April 2015].

Schrijver, N. (2007) Reforming the UN Security Council in Pursuance of Collective Security. Journal of Conflict & Security Law 12(1), pp.127-138.

Security Council Report (2007) Security Council Transparency, Legitimacy and Effectiveness: Efforts to Reform Council Working Methods 1993-2007 [online]. Security Council Report Special Research Report, pp.1-19. Available from: http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Research%20Report_Working%20Methods%2018%20Oct%2007.pdf [Accessed 15 March 2015].

Swart, L. (2013) Reform of the Security Council: 2007-2013. In: Governing & Managing Change at the United Nations: Security Council Reform from 1948 to September 2013. New York: Center for UN Reform Education, pp.23-59.

Swart, L. (2013) Creation of Advisory Group on Security Council Reform to Provide Basis for Negotiations Unsurprisingly Meets Opposition [online]. Available from: http://www.centerforunreform.org/?q=node/23 [Accessed 10 April 2014].

The Hindu (2011) China ready to support Indian bid for UNSC [online]. Available from: http://www.thehindu.com/news/international/article2233806.ece [Accessed 23 March 2015].

UN (1945) Charter of the United Nations.

UN General Assembly (2008) Decision 62/557. UN DOC A/62/557.

UN General Assembly (2007) Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council. UN Doc A/61/47.

UN General Assembly (2010) Report of the Security Council 1 August 2009-31 July 2010. UN DOC A/65/2.

UN General Assembly (2011) Report of the Security Council 1 August 2010-31 July 2011. UN DOC A/66/2.

UN General Assembly (2012) Report of the Security Council 1 August 2011-31 July 2012. UN DOC A/67/2.

UN General Assembly (2013) Report of the Security Council 1 August 2012-31 July 2013. UN DOC A/68/2.

UN General Assembly (2014) Report of the Security Council 1 August 2013-31 July 2014. UN DOC A/69/2.

UN General Assembly (1963) Resolution 1991(XVIII). UN Doc A/RES/1991(XVIII).

UN General Assembly (1992) Resolution 47/62. UN Doc A/RES/47/62.

UN General Assembly (1993) Resolution 48/26. UN Doc A/RES/48/26.

UN General Assembly (2000) Resolution 55/2. UN Doc A/RES/55/2.

UN General Assembly (2005) Resolution 60/1. UN Doc A/RES/60/1.

UN General Assembly (2007) Resolution 61/47. UN Doc A/RES/61/47.

UN Secretary-General (2004) Report of the Secretary-General's High-level Panel on Threats, Challenges and Change. A More Secure World: Our Shared Responsibility.

UN Secretary-General (2005) Report of the Secretary-General to the General Assembly. In larger freedom: towards development, security and human rights for all.

UN Secretary-General (2015) Secretary-General's remarks at United Nations University Symposium on the 70th anniversary of the United Nations [online]. Available from: http://www.un.org/sg/statements/index.asp?nid=8462 [Accessed 7 April 2015].

UN Secretary-General (2015) Report of the Secretary-General to the Security Council. Implementation of Security Council resolutions 2139 (2014), 2165 (2014) and 2191 (2014).

UN Security Council (2002) Resolution 1441. UN Doc S/RES/1441.

UN Security Council (2014) Resolution 2139. UN Doc S/RES/2139.

UN Security Council (2014) Resolution 2165. UN Doc S/RES/2165.

UN Security Council (2014) Resolution 2191. UN Doc S/RES/2191.

Van Walsum, P. (2005) A hitch could still stall the momentum in favour of a P11 UN Security Council [online]. Financial Times. Available from: http://www.ft.com/cms/s/0/ff5e56c0-afa5-11d9-bb33-00000e2511c8.html#axzz3XC27V4ME [Accessed 13 April 2015].

Von Freiesleben, J. (2008) Member States Discuss Security Council Reform Again: A Never-Ending Process? [online] Available from: http://www.centerforunreform.org/node/333 [Accessed 12 April 2015].

Von Freiesleben, J. (2013) Reform of the Security Council: 1945-2008. In: Governing & Managing Change at the United Nations: Security Council Reform from 1948 to September 2013. New York: Center for UN Reform Education, pp.1-22.

Wetenschappelijk Raad voor het Regeringsbeleid (2010), Aan het buitenland gehecht: over verankering en strategie van Nederlands buitenlandbeleid, Amsterdam University Press

Weiss, T.G. (2007) Halting Genocide: Rhetoric versus Reality. University of Toronto: Genocide Studies and Prevention.

Weiss, T.G. and Young, K.E. (2005) Compromise and Credibility: Security Council Reform? 36(2), pp.31–154.