

# Participation of UN Member States in the Work of the Organization: A Multicultural Alternative to Present-Day Regionalism?

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## I. Introduction

Every Member State of the United Nations has the right to participate in the work of the organization – a right automatically conferred by membership of the UN. Participation in this context means the Member States' access to, and right to take part in, the organization's decision-making process. The composition of UN organs thus becomes a central issue, as access and the material ability to influence the decision-making process are, as a rule, gained through membership of these organs. The question of composition does not pose a problem in the case of plenary organs, such as the General Assembly, where all UN Member States are equally represented. However, for reasons of functionality, efficiency and cost-effectiveness, most work within the UN framework takes place within non-plenary organs, i.e. organs of limited membership. It is with regard to these organs that the question of composition arises,<sup>1</sup> and the more important the non-plenary organ, the more acute the issue becomes.

There are two categories of non-plenary organs within the United Nations: subsidiary non-plenary organs, the purpose of which is to facilitate the work of the principal organ (either plenary or non-plenary), and principal non-

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<sup>1</sup> See Catherine Senf Manno, Problems and Trends in the Composition of

plenary organs such as the Security Council, which are vested with independent powers and tasks.<sup>2</sup> Subsidiary non-plenary organs constitute the preliminary, and at times the primary, forum for discussion and decision-making. Their members have access to relevant information,<sup>3</sup> debate viable courses of action, budgetary constraints and legal advice. Their task is to process these materials and to make recommendations to the plenary organ. The General Assembly often only rubber-stamps decisions already reached by its subsidiary organs. Non-members of these organs thus miss participating in an important phase of the decision-making process. Principal non-plenary organs have an even greater impact on the question of participation. Unlike their subsidiary counterparts, which are essentially an extension of the principal plenary bodies, these organs have – as in the case of the Security Council – binding legislative and enforcement powers. The fact that these functions are not reserved to the plenary organ effectively removes them from the purview of most Member States.

The question of the composition of non-plenary organs has been a source of controversy since the inception of the United Nations.<sup>4</sup> It is not expressly dealt with in the UN Charter and so has had to be decided by the General Assembly and the other principal organs. Since the 1960s, the composition of almost all UN organs of limited membership has been governed by a system best described as “regionalism” – a system whereby seats are allocated to regional groups whose members nominate or endorse candidates for the various regional seats.<sup>5</sup> In a letter dated 28 September 1977, 29 Asian

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Nonplenary UN Organs, 19 *International Organization* (1966), 37-55.

<sup>2</sup> See C.F. Amerasinghe, *Principles of the Institutional Law of International Organizations* (2<sup>nd</sup> edn., 2005), 139. For an overview of all subsidiary organs, see New Zealand Ministry of Foreign Affairs and Trade, *United Nations Handbook 2006/07*, which is an invaluable source for research on the United Nations and which provided the raw data for this study.

<sup>3</sup> Compare *International Law Association, Accountability of International Organisations, Final Report*, *International Law Association, Report of the Seventy-first Conference, Berlin, 2004*, 164-234 at 174-175.

<sup>4</sup> See *Repertory of the Practice of United Nations Organs, 1945-1954*, Article 23, 8, para. 16.

<sup>5</sup> Compare the part on “Regional Blocs” in Benjamin Rivlin, *The United Nations and Regionalism in an Era of Globalization*, in: *Envisioning the United Nations in*

States, in response to the considerable increase in UN membership and the under-representation of Asian and African States on non-plenary UN organs, requested the inclusion of an additional item on the agenda of the 32<sup>nd</sup> session of the General Assembly entitled “Question of the Composition of the Relevant Organs of the United Nations”.<sup>6</sup> As a result of this request, the General Assembly considered the question of the composition of its General Committee and in 1978 increased the number of its vice-presidents and thereby the committee’s size.<sup>7</sup> While this initiative by the Asian States was aimed at a general review of the composition of all non-plenary UN organs, such a move was strongly opposed by Member States from both the Western and Eastern political blocs, who tried to defer any decision on the question.<sup>8</sup> The Soviet Union supported the proposal with regard to the General Committee only “on the understanding that it should not lead to a review of the composition of other United Nations organs”.<sup>9</sup> The item was put on the General Assembly’s agenda each year from 1979 to 1996 and, each year, consideration of it was deferred to the next session as there was no consensus among regional groups. In December 1996, the General Assembly finally decided to delete the question from its agenda.<sup>10</sup> The problem, however, has not gone away.

This paper examines the question of regionalism as a means to regulate the composition of the United Nations’ non-plenary political organs. In this area, as in many others, Edward McWhinney has led the way with his study on regionalism in the context of the composition of the International Court of

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the Twenty-first Century (1995) ([www.unu.edu/unupress/un21-report.html](http://www.unu.edu/unupress/un21-report.html)).

<sup>6</sup> UN Doc. A/32/243, 28 Sept 1977.

<sup>7</sup> See A/RES/33/138 (1978) of 19 Dec 1978. The resolution was adopted by a vote of 105 to 29 with three abstentions. The General Committee comprises the President of the General Assembly, the 21 vice-presidents and the chairmen of the six (then seven) main committees. See Rule 28 of the Rules of Procedure of the General Assembly (UN Doc. A/520/Rev.16, 2006).

<sup>8</sup> See General Assembly, Special Political Committee, 48<sup>th</sup> meeting, 8 Dec 1978, UN Doc. A/SPC/33/SR.48, 27 Feb 1979, 3-5 (Spain), 5-6 (Norway), 8 (New Zealand), 18-19 (USA) and 6-7 (USSR), 7 (Romania), 8 (East Germany), 9 (Bulgaria), 9-10 (Poland), 10-11 (Czechoslovakia).

<sup>9</sup> *Ibid.*, 7, para. 26.

<sup>10</sup> See UN Yearbook 1978, 398-401; 1979, 437; 1980, 463; 1981, 357; 1982, 589; 1996, 1343.

Justice, the organization's principal judicial organ.<sup>11</sup> This paper asks whether the UN Charter or general principles offer any guidance on the question of how non-plenary political UN organs should be constituted, before examining the regional group system and offering a critique of present-day regionalism. It focuses mainly on the election of the ten non-permanent members of the Security Council (P-10) and the members of the Economic and Social Council (ECOSOC), as examples of non-plenary principal organs, and the election of members of the Commission on Human Rights (CHR), the Human Rights Council (HRC) since 2006, and the International Law Commission (ILC), as examples of non-plenary subsidiary organs.<sup>12</sup> In conclusion, the paper briefly identifies criteria for a more multicultural alternative to the present system.

## II. Requirements for the composition of non-plenary UN organs

The UN Charter has little to say about the composition of non-plenary organs. Article 23(1) provides that in the selection of the ten non-permanent members of the Security Council, due regard is to be “specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution”. As there are no objective and generally accepted criteria to define and measure the contribution of States to the maintenance of international peace and security and the other purposes of the United Nations,<sup>13</sup> “equitable geographical distribution” has become the

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<sup>11</sup> Edward McWhinney, *Law, Politics and “Regionalism” in the Nomination and Election of World Court Judges*, 13 *Syracuse JILC* (1986), 1-28. See also the same, “Internationalizing” the International Court: The Quest for Ethno-Cultural and Legal-Systemic Representation, in: E.G. Bello/B.A. Ajibola (eds.), 1 *Essays in Honour of Judge Taslim Olawale Elias* (1992), 277-289.

<sup>12</sup> The CHR as a functional commission was a subsidiary organ of ECOSOC while the HRC and the ILC are subsidiary organs of the General Assembly.

<sup>13</sup> See Report of the Facilitators to the President of the General Assembly on the Consultations Regarding ‘The Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council’, 19 April 2007, 13 ([www.un.org/ga/president/61/letters/SC-reform-Facil-report-20-April-07.pdf](http://www.un.org/ga/president/61/letters/SC-reform-Facil-report-20-April-07.pdf)). See also Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in

prime factor in allocating non-permanent seats on the Security Council. However, there is no agreement among Member States on the meaning of “equitable geographical distribution”. Some States understand the term to be identical to “regional representation”, while others consider the two to be different concepts.<sup>14</sup> With regard to the other principal organ under review, ECOSOC, the UN Charter does not stipulate any composition requirement at all, but simply provides that the Council “shall consist of fifty-four Members of the United Nations elected by the General Assembly”.<sup>15</sup> Similarly, the UN Charter is silent on the composition of non-plenary subsidiary organs. It merely authorizes the principal organs to establish such subsidiary organs as they deem necessary for the performance of their functions.<sup>16</sup> The only guidance that can be derived from these provisions is that the UN Charter does not distinguish between the five permanent members of the Security Council (P-5) and the other members of the United Nations, apart from the composition of the Security Council. One may thus conclude that these five members are not to enjoy any special treatment with regard to the composition of other non-plenary organs, either principal or subsidiary.<sup>17</sup>

Guidance on the composition of non-plenary organs may be gained from some general principles embodied in the UN Charter. Article 2(1) provides that the “Organization is based on the principle of the sovereign equality of all its Members.” The principle of sovereign equality is the basic pillar on which the United Nations is built.<sup>18</sup> Both the organization and its members “shall act in accordance with” this principle.<sup>19</sup> The preamble of the Charter also reaffirms

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the Membership of the Security Council and Other Matters related to the Security Council, GAOR, 58<sup>th</sup> Session, Supplement No. 47 (A/58/47), 2004, 22-24.

<sup>14</sup> UN Doc. A/58/47, 2004, 22, paras. 18-19.

<sup>15</sup> UN Charter, art. 61(1).

<sup>16</sup> See UN Charter, arts. 7(2), 22, 29 and 68.

<sup>17</sup> In practice, however, the P-5 with the exception of the special case of China have been represented continuously, for example, on ECOSOC but not on the CHR and the HRC. While there has always been a French and Russian member of the ILC, there was no British commissioner from 1987-1991 and in 2007 the US candidate was not re-elected.

<sup>18</sup> Compare Hans Kelsen, *The Principle of Sovereign Equality of States as a Basis for International Organization*, 53 *Yale LJ* (1944), 207.

<sup>19</sup> UN Charter, art. 2, first sentence.

the faith in the “equal rights [...] of nations large and small”.<sup>20</sup> The notion of sovereign equality is confirmed in the sixth principle of the Friendly Relations Declaration 1970 which provides: “All States enjoy sovereign equality. They have equal rights and duties and are equal members of the international community, notwithstanding differences of an economic, social, political or other nature.”<sup>21</sup> In the debates on the question of the composition of the relevant organs of the United Nations in the late 1970s, China referred to the “principle of equality among all States, large and small” as the “correct principle” to apply in this context.<sup>22</sup> More recently, when examining the question of equitable representation on and increase in the membership of the Security Council, the General Assembly regularly reaffirmed “the principle of the sovereign equality of all Members of the United Nations”.<sup>23</sup> Speaking in the General Assembly, the delegate of Venezuela stated: “The search for this comprehensive solution [to the question of the equitable representation on non-plenary organs] should be guided by the principle of the sovereign equality of States and the right of member States to irrevocable representation in the organs of limited membership, as in the case of the Security Council.”<sup>24</sup> Equality in this context is to be understood as formal equality, or equality before the law.<sup>25</sup> States do not necessarily have equal rights and duties but equal capacity for rights and duties, and no State may be placed at a disadvantage in relation to others.<sup>26</sup>

The United Nations is a universal organization with global

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<sup>20</sup> UN Charter, preamble (clause 2).

<sup>21</sup> A/RES/2625 (XXV) of 24 Oct 1970.

<sup>22</sup> UN Doc. A/SPC/32/SR.46, 19 Dec 1977, 3, para. 6 (13 Dec 1977). See also the statement of the Israeli delegate, *ibid.*, 4, para. 10. For similar statements by Colombia, Peru and Congo, Leopoldville, see further GAOR, 18<sup>th</sup> Session, Special Political Committee, 1963, 231, 236, 249.

<sup>23</sup> See for example A/RES/47/62 (1992) of 11 Dec 1992, preamble (clause 4); A/RES/48/26 (1993) of 3 Dec 1993, preamble (clause 7).

<sup>24</sup> UN Doc. A/56/PV.36, 1 Nov 2001, 7. See also the statements of Kazakhstan and Israel, *ibid.*, 8 and 11, respectively.

<sup>25</sup> See Hans Kelsen, *The Law of the United Nations* (1950), 52, n. 1.

<sup>26</sup> Compare Kelsen, *above n. 18*, 209; Antonio Cassese, *International Law* (2<sup>nd</sup> ed., 2005), 52.

membership.<sup>27</sup> The representative of Botswana pointed out in the General Assembly that the “very premise on which this Organization was created was that of inclusion, not exclusion”.<sup>28</sup> Multiculturalism is self-evidently a feature of the United Nations, which is the most diverse international organization; it embraces all cultural and religious groups, all civilizations, all political and economic systems, and all geographical areas. The United Nations is a true “pluralistic universe”.<sup>29</sup> In the debates on the composition of the Security Council, the Canadian delegate said that “the United Nations should keep its universal character and that each shade of opinion should be reflected in its various bodies”.<sup>30</sup> The United Nations is universal not only in its membership but also in its purposes. It is to “strengthen universal peace”, “maintain international peace”, “achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character” and “promote [...] universal respect for, and observance of, human rights and fundamental freedoms for all”.<sup>31</sup> It is also to “employ international machinery for the promotion of the economic and social advancement of all peoples”.<sup>32</sup> A pluralistic and culturally diverse membership of the various non-plenary organs is best suited to achieving these purposes. During the debate on the question of equitable representation on the Security Council, the representative of Ethiopia declared: “Under the Charter of the United Nations, the Security Council bears primary responsibility for the maintenance of international peace and security. That very mandate also requires the Security Council to be truly international, in terms of not only its mandate but also its representation.”<sup>33</sup> The composition of the non-plenary organs should thus reflect the plurality and diversity of the membership of the organization; non-plenary organs should resemble the

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<sup>27</sup> Compare UN Charter, art. 4(1).

<sup>28</sup> UN Doc. A/56/PV.36, 1 Nov 2001, 9.

<sup>29</sup> Compare William James, *A Pluralistic Universe* (1909). The term was coined by James in his Hibbert Lectures at Manchester College, Oxford.

<sup>30</sup> GAOR, 18<sup>th</sup> Session, Special Political Committee, 1963, p. 261, para. 2 (13 Dec. 1963).

<sup>31</sup> See UN Charter, arts. 2(2), 2(1), 2(3), and 55(c).

<sup>32</sup> UN Charter, preamble (clause 8).

<sup>33</sup> UN Doc. A/56/PV.36, 1 Nov 2001, 5.

plenary “en miniature”.<sup>34</sup>

In the context of organs with limited membership, these principles cannot mean an *equal right* to participate for every Member State. Rather, they require, at any rate as a rule, an *equal opportunity*, or at least a fair and reasonable chance, for all Member States to participate in the work of these organs. In the open-ended working group on the question of equitable representation on and increase in the membership of the Security Council, many delegations “emphasized that all interested UN members, particularly small States should have an equal opportunity to serve on the Council”.<sup>35</sup> Any exception to this rule requires a special justification based on the task or mandate of the particular non-plenary organ.<sup>36</sup>

### **III. Regionalism as a means of regulating the composition of non-plenary organs**

No mention is made in the UN Charter of either the system of regionalism or regional groups.<sup>37</sup> The latter are, however, now mentioned in passing in an

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<sup>34</sup> Compare UN Docs. A/53/PV.8, 21 Sep 1998, 10 (Mexico); A/55/PV.30, 27 Sep 2000, 3 (Philippines); A/59/PV.7, 23 Sep 2004, 22 (Swaziland).

<sup>35</sup> Observation on and assessment by the Vice-Chairmen of the progress of the work 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 during the forty-ninth session of the General Assembly, 15 Sep 1995, UN Doc. A/49/965, 18 Sep 1995, 41. See also *ibid.*, 8 (“opportunity for leadership”). See further UN Doc. A/53/PV.15, 25 Sep 1998, 10 (“electoral opportunities”).

<sup>36</sup> The UN Commission of International Trade Law is a case in point. Members of the Western European and Other States Group are grossly over-represented on the Commission. It is probably for this reason that the General Assembly noted that “the Commission is a technical body whose composition reflects, *inter alia*, the specific requirements of the subject matter; the regional representation [...] which takes those requirements into account, shall not be a precedent for the enlargement of other bodies in the United Nations system” (A/RES/57/20 (2002) of 19 Nov 2002, para. 2).

<sup>37</sup> On the regional groups, see for example Sally Morphet, *States Groups at the United Nations and Growth of Member States at the United Nations*, in: Paul Taylor/A.J.R. Groom (eds.), *The United Nations at the Millennium. The Principal Organs* (2000), 224-270; Sydney D. Bailey/Sam Daws, *The Procedure of the UN*



Annex to the Rules of Procedure of the General Assembly,<sup>38</sup> where reference is also made to “equitable geographical distribution” and “broad geographical representation” as criteria for the composition of non-plenary organs.<sup>39</sup>

### *III.A. Origins and evolution of the regional groups system*

The origins of today’s regional groups can be traced back to 1946, when the United States and the Soviet Union concluded a “gentleman’s agreement” by which the permanent members of the Security Council undertook to support the election of candidates for non-permanent seats on the Council nominated by the countries of the five main regions of the world: “two from the Latin American region and one each from the British Commonwealth, the Middle East, Western Europe and Eastern Europe”.<sup>40</sup> A similar approach was suggested for ECOSOC. A draft resolution introduced at the second session by India would have allocated the seats on ECOSOC between six regional groups.<sup>41</sup> Although there was no vote on the draft resolution, the practice of distributing seats based on regional groups developed over the following years. When the General Assembly increased the number of its vice-presidents in 1957, it took “into account that the General Committee should be so constituted as to ensure its representative character on the basis of a balanced geographical distribution of its members” and “confirm[ed] the practice

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Security Council (3<sup>rd</sup> edn., 1998), 141-155; Sabine von Schorlemer, Blocs and Groups of States, in: R. Wolfrum (ed.), 1 United Nations: Law, Policies and Practice (1995), 69-77; ; M.J. Peterson, The General Assembly in World Politics (1986), 155-158; Miguel Marín Bosch, Votes in the UN General Assembly (1998), 15-19; Ingo Winkelmann, Regional Groups in the UN, in: H. Volger (ed.), A Concise Encyclopedia of the United Nations (2002), 455-458; and the articles by Thakur, Daws, O’Brien and Agam in Ramesh Thakur (ed.), What is Equitable Geographic Representation in the Twenty-first Century (1999).

<sup>38</sup> UN Doc. A/502/Rev.16, 2006, Annex IV, para. 130, and Annex V, para. 18.

<sup>39</sup> See Rules 92, 143 and 156, 159, respectively, of the Rules of Procedure.

<sup>40</sup> See Repertory of the Practice of United Nations Organs, 1945-1954, Article 23, p. 8, para. 16.

<sup>41</sup> GAOR, 2<sup>nd</sup> Session, Joint 2<sup>nd</sup> and 3<sup>rd</sup> Committee, 1946, 75, annex 6b. Under the terms of the resolution there would have been the following regional groups: Western Europe, Eastern Europe, Americas, Middle East and Africa, Australasia and the Far East.

established with regard to the distribution of the chairmanships of the Main Committees, namely, two from Latin American States, two from Asian and African States, two from Western European and other States, and one from an Eastern European State”.<sup>42</sup> The resolution took note of the increase in the number of Member States from Africa and Asia and introduced a new geographical pattern of participation. The States of the Middle East were integrated into the new group of African and Asian States. The group of British Commonwealth States, which was no longer considered in keeping with the times, was abolished and the white Commonwealth States (Australia, Canada and New Zealand) became part of the “Others” in the Western European and Others Group (WEOG). In 1963, the General Assembly, recognizing “the considerable increase in the membership of the United Nations”, decided to enlarge the composition of its General Committee,<sup>43</sup> the Security Council<sup>44</sup> and ECOSOC,<sup>45</sup> with a view to providing a “more adequate geographical representation” in these organs and thus making them more effective. As a result, the UN Charter was amended in 1965 to enlarge ECOSOC from 17 to 27 members and the number of non-permanent seats on the Security Council from 11 to 15, along the lines of the four regional groups institutionalized in 1957. Due to the large increase in the number of African and Asian States in the late 1950s/early 1960s, these States felt that there was no longer any valid reason to provide representation for the African and Asian groups together.<sup>46</sup> In 1966, when it expanded the membership of the Commission on Human Rights from 21 to 32 members, ECOSOC allocated seats to the African and Asian

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<sup>42</sup> A/RES/1192 (XII) of 12 Dec 1957, preamble (clause 2) and para. 1 (*italics added*).

<sup>43</sup> A/RES/1990 (XVIII) of 17 Dec 1963. The General Committee was again enlarged in 1978 and its composition adapted to reflect the increase in UN membership; see A/RES/33/138 (1978) of 19 Dec 1978.

<sup>44</sup> A/RES/1991 A (XVIII) of 17 Dec 1963.

<sup>45</sup> A/RES/1991 B (XVIII) of 17 Dec 1963.

<sup>46</sup> The African and Asian group was dominated by the Asian States. After an election to the HRC produced five representatives from Asia and only one from Africa for the six seats of the group, the General Assembly called on ECOSOC “to bear in mind the principle of equitable geographical distribution and, in particular, the necessity of having Africa equitably represented” (A/RES/1923 (XVIII) of 5 Dec 1963).

States groups separately for the first time.<sup>47</sup> A second expansion of ECOSOC (from 27 to 54 members) took place in 1973, following the adoption of resolution 2847 (XXV) which also recognized the separate existence of the African and Asian States groups.<sup>48</sup> Today, the allocation of seats along the lines of the five regional groups governs virtually every facet of the operation of the organization.<sup>49</sup>

While the regional groups themselves are mentioned in various resolutions, there is no official UN list of the names of Member States according to their respective group affiliation.<sup>50</sup> The UN Office of Legal Affairs lists the members of the groups in an unofficial document entitled “Regional Groups: For General Assembly Elections Only”. At present, the Group of African States (GAFS) has 53 members,<sup>51</sup> the Group of Asian States (GASS) 54,<sup>52</sup> the Group of Latin American and Caribbean States (GRULAC) 33,<sup>53</sup> the

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<sup>47</sup> E/RES/1147 (XLI) of 4 Aug 1966, para. 1. The membership was further increased by E/RES/1979/36 of 10 May 1979 (from 32 to 43 members) and by E/RES/1990/48 of 25 May 1990 (from 43 to 53 members).

<sup>48</sup> A/RES/2847 (XXVI) of 20 Dec 1971, para. 4.

<sup>49</sup> See Thakur, above n. 37, 6.

<sup>50</sup> See UN Docs. UNEP/FAO/RC/CRC.1/3, 11 Jan 2005, Annex I (Regional groups for the purpose of membership in the Chemical Review Committee); UNEP/POPS/COP.1/INF/16, 29 Nov 2004, Annex I (Member States of the United Nations General Assembly arranged in regional groups as of 31 May 2002). The latter comes with the proviso: “This grouping is unofficial and has been developed to take into account the purposes of United Nations General Assembly resolutions 1991 (XVIII) (1963), 22/138 (1978) and 2847 (1971)”. See also UN Doc. A/60/351, 13 Sept 2005, 17-19.

<sup>51</sup> Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Côte d’Ivoire, DPR of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Togo, Tunisia, Uganda, UR of Tanzania, Zambia and Zimbabwe.

<sup>52</sup> Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Cyprus, DPR of Korea, Fiji, India, Indonesia, Iran, Iraq, Japan, Jordan, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Lao PDR, Lebanon, Malaysia, Maldives, Marshall Islands, Micronesia, Mongolia, Myanmar, Nauru, Nepal, Oman, Pakistan, Palau, Papua New Guinea, Philippines, Qatar, Republic of Korea, Samoa, Saudi

Group of Eastern European States (GEES) 22,<sup>54</sup> and the Group of Western European and Other States (WEOG) 29.<sup>55</sup> There are several peculiarities. The United States is not officially a member of any group but, for electoral purposes, is counted as a member of the WEOG. Turkey is a member of both WEOG and GASS, but takes part in elections as a member of the former.

### *III.B. Operation of the regional groups as electoral constituencies*

The regional groups serve mainly, but not exclusively, as constituencies for elections to almost all political, judicial and expert organs of the United Nations.<sup>56</sup> Before formal elections take place in the General Assembly, the members of the regional group conduct consultations among each other with a view to determining which State is to be endorsed or nominated for the regional seat. Decisions in the regional groups are usually taken by consensus. Where no consensus can be reached or where there is a dispute as to whether a certain State has been endorsed by the group, candidates may compete for the regional seat. For example, in October 2000, the question of whether Sudan had been endorsed by GAFFS arose. Uganda and Mauritania took the view that there was

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Arabia, Singapore, Solomon Islands, Sri Lanka, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Tonga, Turkmenistan, Tuvalu, United Arab Emirates, Uzbekistan, Vanuatu, Vietnam, Yemen.

<sup>53</sup> Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

<sup>54</sup> Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, Montenegro, Poland, Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, Slovenia, TFYR of Macedonia, Ukraine.

<sup>55</sup> Andorra, Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States.

<sup>56</sup> von Schorlemer, above n. 37, 75; Winkelmann, above n. 37, 456.

no endorsed candidate and the election was open to competition.<sup>57</sup> The Chair of the OAU and Permanent Observer of the OAU at the United Nations, on the other hand, took the position that the candidature of Sudan had been endorsed by the OAU in accordance with the organization's rules of procedure and established practice.<sup>58</sup> In the end, both Sudan and Mauritania put themselves forward for election to the African seat on the Security Council. Although endorsement by the regional group is not binding on the other members of the United Nations, candidates that have been endorsed by the group as a rule, and on the basis of reciprocity, are subsequently elected by the General Assembly.<sup>59</sup> This means that in practice the election of candidates takes place at the group level, with the General Assembly merely rubber-stamping the group's decision (especially if the group puts forward the same number of candidates as there are vacant seats). Voting in the General Assembly thus becomes a formality. The Assembly has, in effect, delegated part of its powers to the regional groupings.

The voting procedure also reflects the system of regionalism. Member States participating in the voting must adhere strictly to the distribution of seats among the regional groups. There are ballot papers marked A, B, C, D and E – one for each of the five regional groups. Each ballot paper has as many blank lines as there are seats for that group. Ballot papers containing more names from the relevant group than the number of seats assigned to it are declared invalid. Names on a ballot paper of Member States that do not belong to the regional group are not counted.

### *III.C. Ideas underlying the regional groups system*

Two ideas underlie the regional groups system: cohesion of the regional groups and indirect participation through representation. It is generally assumed that States in the same geographic region have common interests and shared views

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<sup>57</sup> UN Docs. A/55/463 and 464, 9 Oct 2000; S/2000/933, 29 Sep 2000.

<sup>58</sup> UN Doc. A/55/457, 6 Oct 2000.

<sup>59</sup> That Member States accept each others nominees may be explained by the fact that elections of the non-permanent members of the Security Council and ECOSOC are "important question" in the sense of art. 18(2) of the UN Charter which requires a two-thirds majority.

and that therefore most differing views will be expressed in non-plenary organs which are composed of members from all geographic areas.<sup>60</sup> As members of the non-plenary organs are endorsed or, as has been seen above, effectively elected, by the members of the regional group, they are perceived as representatives of the group members. They act not only in their own national capacity, but as agents of all members of the region who indirectly participate in the work of the organ through their representatives.<sup>61</sup> It has been said that the idea of indirect participation through representation is expressed in the shift in terms from “equitable geographical distribution” as found in article 23(1) of the UN Charter to “equitable geographical representation” as found, for example, in General Assembly resolution 33/138 (1978).<sup>62</sup>

#### **IV. A critique of present-day regionalism**

##### *IV.A. The world has moved on*

There seems to be a common understanding that the composition of several non-plenary organs, especially the Security Council, ECOSOC and the ILC, no longer reflects geopolitical realities and thus needs to be rebalanced.<sup>63</sup> For example, the distribution of seats among the five regional groups still largely reflects the situation of the late 1950s/early 1960s. The number of UN Member States, however, has more than doubled from 82 in 1959 to 192 in 2007. As long ago as 1977, the Chinese delegate commented in the Special Political Committee of the General Assembly:

As far as the composition of the relevant organs of the United Nations was concerned, a most unfair, unreasonable and undemocratic state of

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<sup>60</sup> See Henry G. Schermers/Niels M. Blokker, *International Institutional Law* (4<sup>th</sup> edn., 2003), 219. See also Athena D. Efrain, *Sovereign (In)equality in International Organizations* (2000), 122.

<sup>61</sup> See Schermers/Blokker, above n. 60, 222, 230; von Schorlemer, above n. 37, 74-75. See also the statement of Belize, UN Doc. A/49/965, 18 Sep 1995, 75.

<sup>62</sup> See Daws, above n. 37, 16.

<sup>63</sup> See Report of the Facilitators to the President of the General Assembly, above n. 13, 13; Report of the Open-ended Working Group (A/58/47), above n. 13, 22,

affair existed. While the number of Asian and African States had greatly increased, their level of representation in those organs had remained unchanged and they were therefore under-represented.<sup>64</sup>

The situation has become even worse since then, at least for the GASS. With 54 members, this group represents 28.13 per cent of UN membership but holds only 25 per cent of the non-permanent seats on the Security Council,<sup>65</sup> 20.37 per cent of the seats on ECOSOC, and 22.06 per cent of seats on the ILC. The situation has now been redressed with regard to the HRC. While the group had only 22.64 per cent of the seats on the old CHR, it now holds 27.66 per cent of the seats on the HRC, which is in line with its numerical strength. The WEOG, on the other hand, today accounts for only 15.10 per cent of UN Member States, but holds 20 per cent of the non-permanent seats on the Security Council, 24.07 per cent of seats on ECOSOC and 23.53 per cent of seats on the ILC. The WEOG is thus significantly over-represented in these important organs and, it may be added, always has been. At the time the seats were distributed, the percentage of allocated seats already exceeded its percentage of the overall membership by between 1.42 per cent (Security Council in 1963) and 8.88 per cent (ILC in 1981). The replacement of the CHR by the HRC has reduced its share of the seats from 18.88 to 14.89 per cent, which roughly corresponds with its share in the overall membership. The GAFS was under-represented for most of the period from the mid-1960s to the early 1990s. The situation only changed with the break-up of the former Soviet Union and Yugoslavia in the 1990s, and the considerable increase in the membership of the GASS and GEES which led to rebalancing of the percentage of the various groups. The GEES, on the other hand, was over-represented throughout that period. The number of seats it holds on the various organs was brought in line with its percentage of UN membership only through the increase in its

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para. 17.

<sup>64</sup> UN Doc. A/SPC/32/SR.46, 19 Dec 1977, pp. 2-3, para. 5 (13 Dec 1977).

<sup>65</sup> In 1963, five seats were allocated to "African and Asian States" (A/RES/1991 A (XVIII) of 17 Dec 1963, para. 3). From 1966 to 1986, in practice this meant that three seats were held by the GAFS and two by the GASS. Since 1986, the two groups have two seats each, with the fifth seat alternating between the two groups every two years.

membership in the 1990s. At the beginning of 1990, the discrepancy between the percentage of seats and the numerical strength of the regional groups was probably highest with, for example, the GEES numbering only 6.29 per cent of UN membership but occupying between 10 and 11.11 per cent of seats on the relevant organs. The only group always represented roughly according to its numerical strength is GRULAC (see Tables A.1 and A.2).

Table A.1: Number of members of regional groups for electoral purposes (percentage of total UN Member States)<sup>66</sup>

	1963	1971	1981	1990	2006
GAPS	35 (30.97)	42 (31.82)	51 (32.48)	52 (32.70)	53 (27.60)
GASS	24 (21.24)	33 (25.00)	39 (24.84)	39 (24.53)	54 (28.13)
GEES	10 (8.85)	10 (7.58)	11 (7.01)	10 (6.29)	23 (11.98)
GRULAC	22 (19.47)	24 (18.18)	32 (20.38)	33 (20.75)	33 (17.19)
WEOG	21 (18.58)	22 (16.67)	23 (14.65)	24 (15.09)	29 (15.10)
Total UN membership <sup>67</sup>	113	132	157	159	192

<sup>66</sup> The P-5 are included in their respective regional groups for all calculations, although this practice was adopted only in 1971. See Peterson, above n. 37, 157, 148.

<sup>67</sup> Prior to 2001, Israel was not a member of any regional group. The total number of UN members is thus higher than the sum of group members.



Table A.2: Number of seats in selected UN organs in 2006/2007 (percentage of total number of members)

	UN members	SC (non-permanent members) (1963/1986) <sup>68</sup>	ECOSOC (1971) <sup>69</sup>	ILC (1981)	CHR (1990)	HRC (2006)
GAFS	53 (27.60)	3 / 2.5 (30.00) / (25.00)	14 (25.93)	8.5 (25.00)	15 (28.30)	13 (27.66)
GASS	54 (28.13)	2 / 2.5 (20.00) / (25.00)	11 (20.37)	7.5 (22.06)	12 (22.64)	13 (27.66)
GEES	23 (11.98)	1 (10.00)	6 (11.11)	3.5 (10.29)	5 (9.43)	6 (12.77)
GRULAC	33 (17.19)	2 (20.00)	10 (18.52)	6.5 (19.12)	11 (20.75)	8 (17.02)
WEOG	29 (15.10)	2 (20.00)	13 (24.07)	8 (23.53)	10 (18.88)	7 (14.89)
Total	192	10	54	34	53	47

The year in brackets indicates the year when the distribution of seats between the regional groups was last decided. The numerical strength of the groups for these years can be seen in Table A.1.

The situation is even more startling if one looks at the ratio of population to seats on the various organs (see Table A.3).

Table A.3: Population and membership in United Nations according to regional groups

	Population (%)	UN Member States (%)
GAFS	934,415,522 (14.25)	53 (27.60)
GASS	3,880,945,070 (59.18)	54 (28.13)
GEES	345,902,591 (5.27)	23 (11.98)
GRULAC	563,481,056 (8.59)	33 (17.19)
WEOG	833,415,912 (12.71)	29 (15.10)
Total	6,558,165,151 (100)	192 (100)

Data based on US Census Bureau, International Data Base, Countries Ranked by Population 2007 ([www.census.gov/cgi-bin/ipc/idbrank.pl](http://www.census.gov/cgi-bin/ipc/idbrank.pl)).

<sup>68</sup> See above n. 65. See also Bailey/Daws, above n. 37, 150-151.

<sup>69</sup> The change to the composition of ECOSOC took effect on 12 October 1973. The distribution of seats had previously been adapted in 1963 (with effect from 31 August 1965). See above n. 45 and text thereto.

The anachronism of the current distribution of seats needs no further demonstration. It is thus not surprising that the Asian (and also the African) States in particular have repeatedly expressed the need to adjust the number of seats available to each group, in line with the proportional growth of the regional groups. The latest attempt by these States to achieve a readjustment of the number of seats was made in June 2007, with regard to the number of judges on the International Tribunal for the Law of the Sea and the number of commissioners on the Commission on the Limits of the Continental Shelf.<sup>70</sup> Such attempts are usually met with opposition and delaying tactics by the members of the WEOG.

It is not only the distribution of seats between the groups that is outdated; the groups themselves are a relic of the past. The GEES and the WEOG reflect the East-West confrontation of the Cold War. The GEES was established to allow the Soviet Union to achieve symmetry or parity with the West.<sup>71</sup> Both groups were more political than regional. General Assembly resolution 2847 (XXVI) laying down the distribution of seats on ECOSOC thus spoke expressly of the “Six members from socialist States of Eastern Europe”.<sup>72</sup> With the break-up of the Soviet Union and the fall of the Iron Curtain, the General Assembly expressly recognized “the changed international situation” for the first time in 1992, when examining the question of equitable representation on the Security Council.<sup>73</sup> Today, it may safely be said that the West or, more precisely, the European Union has “taken over” the GEES, which leads to the next point – the European Union factor.

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<sup>70</sup> See the joint African and Asian draft proposals on future elections of the members of the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf, SPLOS/163, 10 July 2007.

<sup>71</sup> See Bosch, above n. 37, 17.

<sup>72</sup> A/RES/2847 (XXVI) of 20 Dec 1971, para. 4(e). See also E/RES/1147 (XLI) of 4 Aug 1966, para. 1(e).

<sup>73</sup> See A/RES/62 (1992) of 11 Dec 1992, preamble (clause 2). See also A/RES/48/26 (1993) of 3 Dec 1993, preamble (clause 5).

#### IV.B. *The European Union factor*

In September 2003, ahead of the accession of ten new Member States mainly from Eastern Europe, the European Commission wrote that the “enlargement of the EU will create both significant opportunities and serious challenges for the way in which the EU functions at the UN: it will increase the numerical weight of the EU [...] and it will open up questions like the composition of the regional groups in the UN”.<sup>74</sup> With the enlargement of the European Union in May 2004, its members were spread across three regional groups: WEOG, GEES and GASS. On their own, the EU Member States constitute the majority of the WEOG; together with the ten countries which may be referred to as EU+, the candidate countries, the countries of the stabilization and association process and potential candidate countries, and the European Free Trade Association (EFTA) countries, these States are also able to control the GEES (see Table B.1). The EU Member States are not bound by regional affiliation but by common positions on foreign and security policy established at EU-27 level in Brussels. They cooperate and coordinate their actions and voting within the United Nations.<sup>75</sup> The EU+ increasingly align themselves with the European Union in their statements in the General Assembly. Thus, the EU Member States’ delegates speaking in UN organs usually use the following standard introductory formula:

Mr. Chairman, I have the honour to speak on behalf of the European Union. The Candidate Countries Croatia, The Former Yugoslav Republic of Macedonia and Turkey, the Countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, and Serbia, the EFTA countries Iceland and

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<sup>74</sup> Communication from the Commission to the Council and the European Parliament, *The European Union and United Nations: The choice of multilateralism*, COM(2003) 526 final, 19 Sep 2003, 4.

<sup>75</sup> On the cooperation and coordination among EU Member States in the UN, see Paul Luif, *EU cohesion in the UN General Assembly*, European Union Institute for Security Studies, Occasional Papers No. 49, Dec 2003, 9-19, 27-49, 51-52 and 57-75. See also Bardo Fassbender, *The Better Peoples of the United Nations? Europe’s Practice and the United Nations*, 15 *EJIL* (2004), 857, 878.

Liechtenstein [and, on occasions, Norway], members of the European Economic Area [...] associate themselves with this statement.<sup>76</sup>

The dominant role of the European Union in both the WEOG and the GEES has led to tensions between the EU Member States (and the EU+) and the other members of the groups.<sup>77</sup>

Table B.1: EU Members and Associated States as Members of Regional Groups

	Total Members	EU	EU+
GAFS	53	-	-
GASS	54	1 (1.85) <sup>78</sup>	1 (1.85)
GEES	23	10 (43.48)	16 (69.57)
GRULAC	33	-	-
WEOG	29	16 (55.17)	20 (68.97)
Total	192	27 (14.06)	37 (19.27)

As the EU Member States cooperate and coordinate their positions in the United Nations, they increasingly become perceived as a separate regional group. As such, the EU is grossly over-represented on all UN organs. The 27 EU Member States make up just 14.06 per cent of total UN membership, but hold 33.33 per cent of all seats on the Security Council (two permanent seats, France and the United Kingdom, two non-permanent seats of the WEOG and one non-permanent seat of the GEES), and 22 per cent of seats on ECOSOC. EU Member States provide 26.47 per cent of all members of the ILC (see Table B.2).

<sup>76</sup> Compare for example UN Docs. S/PV.5736, 29 Aug 2007, 33-34.

<sup>77</sup> See Bosch, above n. 37, 17; Winkelmann, above n. 37, 457.

<sup>78</sup> Cyprus is a member of the GASS.

Table B.2: Seats occupied by EU member States in 2007

	Total	EU Member States (%)
World Population	6,558,165,151	487,796,149 (7.44)
UN Member States	192	27 (14.06)
Security Council Members	15	5 (33.33)
ECOSOC Members	54	12 (22.22)
ILC Members	34	9 (26.47)
HRC Members	47	8 (17.02)

#### IV.C. *The fiction of regional representation and regional cohesion*

The ideas that the regional groups form cohesive units and that States elected to a non-plenary organ represent the members of their regional group, which supposedly underlie the regional groups system, are seriously flawed. Fiji and Iraq probably do not have much in common other than being members of the same regional group (GASS). The relationship between China and Japan is characterized more by antagonism, mutual suspicion and rivalry than by a common regional identity. Members of the same regional group regularly vote differently on international issues.<sup>79</sup> Japan sides with the WEOG on many substantive issues, while most of its Asian neighbours negotiate under the Nonaligned Movement or Group of 77 umbrellas. The notion of equitable or adequate geographical “representation”, as used in some resolutions,<sup>80</sup> is to be understood in the sense of the “representative character” of the organ, not in the sense of members of the organ representing the views or interests of the regional group.<sup>81</sup> In resolution 1990 (XVIII), the General Assembly specified

<sup>79</sup> For example, Palau, Micronesia and the Marshall Islands regularly vote together with the United States and Israel on matters concerning the Middle East.

<sup>80</sup> See A/RES/33/138 (1978) of 19 Dec 1978, preamble (clause 4); A/RES/1991 A (XVIII) of 17 Dec 1963, preamble (clause 2); A/RES/1991 B (XVIII) of 17 Dec 1963, preamble (clause 1).

<sup>81</sup> Compare Report of the Facilitators to the President of the General Assembly, above n. 13, 13-14; Report of the Open-ended Working Group (A/58/47), above

that its General Committee “should be so constituted as to ensure its representative character on the basis of a balanced geographical distribution among its members”.<sup>82</sup> There is no question of regional representation, if only because, as a rule, the groups to be represented have no uniform views or interests. In a letter to the President of the Security Council, India wrote:

It is India’s view that in a regional group as diverse as the Asian Group, it would be unreasonable and contrary to normal practice to expect any one Member State or even two Member States to represent the Asian region in such a debate in the Security Council. It is in recognition of the nature and diversity of its membership that the Asian Group has confined itself to discussing only candidatures and that it does not discuss substantive issues.<sup>83</sup>

Members of the Security Council, permanent and non-permanent, fulfil a global rather than a regional role and have an obligation to the international community as a whole.<sup>84</sup> Requiring the members of non-plenary organs to toe a certain “regional line” would not only be impracticable but incompatible with the basic principle of the sovereign equality of States.

Regional groups are sometimes split not only on substantive issues but also on regional candidates. In the case of contested candidacies, the allocation of the regional seat will be decided by the majority of States outside the region. On occasion, States from outside the regional group have actively “encouraged” members of the group to stand against each other. When in 1996 it was Libya’s turn to be the African candidate for the non-permanent seat on the Security Council, other groups led by the WEOG lobbied for months to get Egypt nominated instead, as some countries considered it inappropriate for Libya to be elected to the Security Council while sanctions against it were still in place. In July 2000, the OAU Council of Ministers decided to endorse the candidature of Sudan for the African seat on the Security Council “in conformity with the recommendation of the Committee on Candidatures and of the African group

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n. 13, 28, para. 22.

<sup>82</sup> A/RES/1990 (XVIII) of 17 Dec 1963, preamble (clause 2).

<sup>83</sup> UN Doc. S/2003/508, 30 Apr 2003, 1.

in New York".<sup>85</sup> The United States, which had bombed a pharmaceutical factory in Sudan some two years earlier and faced calls from Sudan for a UN enquiry, backed the independent candidacy of Mauritius, which was finally elected after four rounds of voting, despite Sudan having been endorsed by the GAFS.<sup>86</sup> In May 2007, when Belarus and Slovenia announced their candidacy for the two seats on the Human Rights Council reserved for Eastern European States, Canada, France, the United Kingdom and the United States, citing Belarus' appalling human rights record, persuaded Bosnia and Herzegovina to stand at the last minute as a third candidate from the GEES. Bosnia was elected after intense lobbying by the four countries, in the third round of voting receiving 112 votes while Belarus received only 72.<sup>87</sup> In such cases of what may be called outside interference in the internal affairs of a regional group, the elected States can hardly be considered representatives of the regional group.

Even without outside interference, regional groups more often than not cannot agree on which members to nominate for the regional seats. Jockeying for seats, especially on the Security Council, is intense.<sup>88</sup> In 1979–1980, there was a record of 154 ballots between Cuba and Colombia over a period of three months until, on 7 January 1980, both countries finally withdrew their candidacies and Mexico was elected from the GRULAC.<sup>89</sup> Similarly, in

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<sup>84</sup> Compare UN Charter, art. 24(2).

<sup>85</sup> See the Decision on Candidatures of the OAU Council of Ministers adopted at its 72<sup>nd</sup> ordinary session, held at Lomé from 6 to 8 July 2000, OAU Doc. CM/Dec.546 (LXXII), para. 3. See also UN Docs. A/55/457, 6 Oct 2000; A/55/286, 15 Aug 2000, 51-52; A/55/PV.32, 10 Oct 2000, 3.

<sup>86</sup> See Washington's Lobbying Keeps Sudan Out of UN Security Council, *International Herald Tribune*, 11 Oct 2000, 7; Sudan, at UN, Fails to Win Council Seat, *NYT*, 11 Oct 2000, 13. See also UN Doc. A/55/475, 12 Oct 2000 (Sudan claiming that the US delegation influenced delegates during balloting in the General Assembly).

<sup>87</sup> See UN Doc. A/61/PV.97, 17 May 2007, 3-4. See also Belarus kept off UN human rights council, *IHT*, 19 May 2007, 5; Belarus fails in bid to join UN rights council, *The Ottawa Citizen*, 18 May 2007, A11; United Nations. Canada leads charge against Belarus bid, *The Ottawa Citizen*, 17 May 2007, A8.

<sup>88</sup> For some interesting examples about jockeying for seats in the Security Council, see David M. Malone, *Eyes on the Prize: The Quest for Nonpermanent Seats on the UN Security Council*, 6 *Global Governance* (2000), 4-23.

<sup>89</sup> UN Yearbook 1979, 374. On this case, see also W. Michael Reisman, *The Case of*

October/November 2006, GRULAC nominated two candidates – Guatemala and Venezuela – for the region’s seat on the Security Council. After 47 rounds of deadlocked voting, both candidates withdrew their bids and supported the nomination of Panama.<sup>90</sup> The most intense competition takes place within the WEOG.<sup>91</sup> For example, in October 2000, the WEOG failed to come up with consensus candidates: there were three candidates – Italy, Ireland and Norway – to fill two vacancies for the group. Each State waged a quiet but intense diplomatic campaign before Ireland and Norway were finally elected.<sup>92</sup> National interest usually prevails over regional solidarity.

#### *IV.D. The failure to ensure widespread and equitable participation*

The system of regional groups has failed dismally to ensure “broad representation of the United Nations membership as a whole” in the non-plenary organs.<sup>93</sup> There are significant inequalities between as well as within the regional groups. For example, 75 Member States, or 39.06 per cent of the total membership of the United Nations, have never been elected to a non-permanent seat on the Security Council.<sup>94</sup> There is, however, a huge discrepancy between the regional groups. While only 20.75 per cent of the members of the GAFS have never served on the Security Council, the “exclusion rate” for the GASS (55.56 per cent), GEES (52.17 per cent) and GRULAC (42.24 per cent) is more than double that figure. The GAFS is thus the most inclusive group. This inclusiveness, however, comes at a price. While elected members of the WEOG on average served 6.67 years on the Security Council, members from the GAFS served on average for only 3.31 years, less than half that time. The

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the Nonpermanent Vacancy, 74 *AJIL* (1980), 907-913.

<sup>90</sup> On the contested election, see UN Docs. A/61/PV.32, 16 Oct 2006; A/61/PV.33, 16 Oct 2006; A/61/PV.34, 17 Oct 2006; A/61/PV.35, 17 Oct 2006; A/61/PV.36, 19 Oct 2006; A/61/PV.37, 19 Oct 2006; A/61/PV.40, 25 Oct 2006; A/61/PV.44, 31 Oct 2006; A/61/PV.49, 7 Nov 2006.

<sup>91</sup> Malone, above n. 88, 3.

<sup>92</sup> UN Doc. A/55/PV.32, 10 Oct 2000, 4-7.

<sup>93</sup> Compare A/RES/2847 (XXVI) of 20 Dec 1971, preamble (clause 1).

<sup>94</sup> For a list of States never elected members of the Security Council, see [www.un.org/sc/list\\_eng6.asp](http://www.un.org/sc/list_eng6.asp). The list does not include Serbia or the Federal Republic of Yugoslavia, which also have not served on the Security Council.



fact that both groups have a similar exclusion rate shows that the WEOG is grossly over-represented on the Security Council.<sup>95</sup> The other groups achieve a longer average stay on the Council (6.53, 4.52 and 4.33 years) only by excluding more of their members from Security Council membership (see Table D.1). The inequality between the five groups is also shown by the number of States elected to the Security Council more than five times (see Table D.2). While there is only one such State from Africa (Egypt [5 times]) and Eastern Europe (Poland [5]), there are three from Asia (India, Pakistan [6], Japan [9]), four from Latin America (Panama [5], Colombia [6], Argentina [8], Brazil [9]), and four from the WEOG (Belgium, Netherlands [5], Italy, Canada [6]). Of the States never elected to the Security Council, one has more than 80 million inhabitants (Vietnam), two more than 30 million (Afghanistan, Myanmar), four more than 20 million, five more than 10 million and 26 between one and 10 million. Population size is thus not a decisive criterion, especially as six States with a population of fewer than one million have been elected to non-permanent seats on the Security Council.<sup>96</sup>

Similar pictures emerge for ECOSOC, the ILC and the CHR. Forty-five States (23.44 per cent of the total UN membership) have never served on ECOSOC, 106 States (55.21 per cent) have never had a national as commissioner on the ILC and 63 States (32.99 per cent) have never been elected to the CHR. In all cases, the exclusion rate is highest for the GASS and the GEES, followed by GRULAC. With the exception of the ILC, members of the WEOG on average served almost two and a half times longer than members of the GAFS, for example 26.88 years compared with a mere 11.29 years on ECOSOC. At the same time, seven States from the WEOG served for 30 or more years, while none of the African States served for such a long time. The fact that three members of the WEOG (France, the United Kingdom and the United States) and one of the GEES (Soviet Union/Russian Federation) have served (almost) continuously in both ECOSOC and the CHR since 1945

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<sup>95</sup> Only the four micro-States Andorra, Liechtenstein, Monaco and San Marino (each having fewer than 100,000 inhabitants), Iceland, Luxembourg and the recently admitted members, Israel and Switzerland, have never served on the Security Council.

<sup>96</sup> Bahrain, Guyana, Qatar, Cape Verde, Djibouti and Malta, of which the last three each have a population of fewer than 500,000.

or 1946, respectively, may be explained by the fact of the “de facto permanent seats” of the P-5 on these organs; this also accounts for the higher average number of years served by members of these groups.<sup>97</sup> The high average number of years served combined with a relatively low exclusion rate is further evidence of the over-representation of the two groups over a long period of time.

Table D.1: Inequalities between the regional groups

	GAFS	GASS	GEES	GRULAC	WEOG
<b>Security Council</b>					
Non-permanent members (10) <sup>98</sup>	3 / 2.5	3 / 2.5	1	2	2
States never elected members of the SC from 1945 to 2007 (% of total number of group members)	11 (20.75)	30 (55.56)	12 (52.17)	14 (42.24)	8 (27.59)
Average number of years served	3.31	4.52	4.33	6.53	6.67
Number of States serving for ten (fifteen) years or more	0	3 (1)	0	3 (2)	2
<b>Economic and Social Council</b>					
Members (54)	14	11	6	10	13
States never elected members of ECOSOC from 1946 to 2007 (% of total number of group members)	4 (7.55)	23 (42.59)	8 (34.78)	5 (15.15)	5 (17.24)
Average number of years served	11.29	15.06	15.65	15.82	26.88
Number of States serving for thirty (sixty) years or more	0	4	1 (1)	5	7 (3)

<sup>97</sup> The case of the fifth permanent member, China, is different because of the Chinese representation issue in the United Nations. See Peterson, above n. 37, 157.

<sup>98</sup> See above n. 65.

<b>International Law Commission</b>					
Members (34) <sup>99</sup>	8.5	7.5	3.5	6.5	8
States which never produced a member from 1949 to 2007 (% of total number of group members)	33 (62.26)	36 (66.67)	13 (56.52)	16 (48.49)	8 (27.59)
Average number of times commissioners were elected	2.32	1.98	1.92	2.03	1.89
Average number of years served by commissioners	9.12	8.22	7.50	8.08	7.39
States whose commissioners served fifteen or more years	8	7	3	7	3
<b>Commission on Human Rights</b>					
Members in 2006 (% of total membership of CHR)	15 (28.30)	12 (22.64)	5 (9.43)	11 (20.75)	10 (18.88)
States never elected members of the CHR from 1947 to 2006 (% of total number of group members)	6 (11.32)	27 (50.00)	9 (40.91) 100	13 (39.39)	8 (27.59)
Average number of years served	10.11	16.89	20.50	19.90	24.10
Number of States elected for thirty (fifty) or more years	1	4 (1)	4 (1)	4	6 (3)

Table D.2: Terms served on the Security Council by non-permanent members from the regional groups

	1	2	3	4	5	6	7	8	9
GAFS	20	16	5		1				
GASS	12	4	3	1		2			1
GEES	5	2	2	2	1				
GRULAC	4	5	3	3	1	1		1	1
WEOG	1	4	4	5	2	2			
Total	42	31	17	11	5	5		1	2

<sup>99</sup> Half seats are used for statistical purposes only. They are the result of a rotational system whereby one seat is rotated between the GAFS and the GEES and one seat between the GASS and GRULAC. See A/RES/36/39 (1981) of 18 Nov 1981, para. 3.

<sup>100</sup> On 16 June 2006, when the HRC was abolished the EES had 22 members.

There are, however, huge inequalities both between and within the various regional groups. A regional allocation of seats does not automatically prevent an intra-regional imbalance.<sup>101</sup> For this reason, sub-groups – such as the Nordic Group in the WEOG – have been established in several groups, in order to ensure that those countries have a greater presence in UN organs.<sup>102</sup>

As has been seen above (Table D.1 and D.2), the Group of African States is, as a rule, the most inclusive of the five groups, providing for equitable representation of its member States. The sole exception is the ILC, which is probably due to the fact that commissioners have to be “persons of recognized competence in international law”.<sup>103</sup> The more equal distribution of seats among its members may be because the GAFS is the only group that has formalized rules and procedures in place for the nomination of candidates on a rotational basis. The GAFS is organized on the basis of five subregions: the western region has 15 members,<sup>104</sup> the eastern 13,<sup>105</sup> the central nine,<sup>106</sup> the southern ten<sup>107</sup> and the northern six.<sup>108</sup> Seats are distributed between the subregions according to a “new formula for equitable geographical distribution” based on quotients of the number of members of the subregion divided by the total number of the members of the GAFS. The GAFS has also established a Committee of Candidatures that recommends candidates for the African seats

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<sup>101</sup> Manno, above n. 1, 52.

<sup>102</sup> The members of the Nordic group are Denmark, Finland, Iceland, Norway and Sweden. The role of the group is, however, declining with continuing European integration in the field of foreign and security policy. See Katie Verlin Laatikainen, *Norden’s Eclipse*, 38 *Cooperation and Conflict* (2003), 409-441.

<sup>103</sup> See Statute of the International Law Commission, art. 2(1)

<sup>104</sup> Benin, Burkina Faso, Cape Verde, Côte d’Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo.

<sup>105</sup> Comoros, Djibouti, Ethiopia, Eritrea, Kenya, Madagascar, Mauritius, Rwanda, Seychelles, Somalia, Sudan, Tanzania, Uganda.

<sup>106</sup> Burundi, Cameroon, CAR, Chad, Congo, DR Congo, Gabon, Equatorial Guinea, Sao Tome and Principe.

<sup>107</sup> Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia, Zimbabwe.

<sup>108</sup> Algeria, Egypt, Libya, Mauritania, Morocco, Tunisia.

to the group as a whole.<sup>109</sup> When the number of candidates exceeds the number of allocated seats, the Committee applies the following rules. Seats are distributed among the five subregions in accordance with the new formula for equitable geographical distribution. Within subregions, as a rule, candidates who meet the deadline for the submission of candidacies are chosen in accordance with the criteria of non-re-election (priority is given to candidates who have not yet served, or have not recently served, on a certain organ) and non-pluralism (priority is given to candidates who are not serving on any of a number of listed UN organs). When these criteria cannot be applied to contesting candidates, the Committee conducts negotiations between candidates from the same subregion with a view to arriving at an agreement; where no agreement can be reached, candidates are chosen by consensus of the sub-group or, if this is not possible, by consensus of the African group as a whole.<sup>110</sup> In contrast, the practice of the GASS has been described by a participant in group meetings as follows: “There is no document on ‘rotation’ in the Asian Group [...] it’s the usual big states like Thailand and China who orchestrate the rotation.”<sup>111</sup>

In the wake of the debate on Security Council reform, a number of States proposed that “the five existing geographical groups shall decide on arrangements among its members for re-election or rotation of its members on the seats allotted to the Group; those arrangements shall also address, as appropriate, a fair subregional representation”.<sup>112</sup> The examples of the Pacific Island States in the GASS and the Caribbean States in GRULAC show where the absence of a formal system for subregional representation may lead. The 12

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<sup>109</sup> The Committee consists of 10 members: three from the Western region, two each from the Eastern, Central and Southern, and one from the Northern. The AU Secretariat also participates in the Committee.

<sup>110</sup> See Permanent Observer Mission of the African Union to the United Nations, *Guidelines for Candidature to Organs, Committees and Specialized of the United Nations Organization* (undated), Doc No. NY/AU/CAN/1. The author would like to thank Keren Michaeli for supplying him with this unpublished document. On the prior procedure, see UN Docs. A/55/457, 6 Oct 2000, Annex I; A/55/463, 9 Oct 2000, Annex II.

<sup>111</sup> Interview with a Palau diplomat, 26 April 2007.

<sup>112</sup> Compare the Draft Resolution on Reform of the Security Council, submitted by Argentina, Canada, Colombia, Costa Rica, Italy, Malta, Mexico, Pakistan, Republic of Korea, San Marino, Spain and Turkey, UN Doc. A/59/L.68, 21 July 2005, para.

Pacific Island States<sup>113</sup> are markedly under-represented in the GASS. None of these States was ever elected to the Security Council or provided a commissioner for the ILC. Of the 31 States from the Asian group elected to ECOSOC, only two are Pacific Island States. Fiji and Papua New Guinea served only nine and three years, respectively, while 17 other group members served ten or more years. From 1946 to 2007, members of the GASS served in total 467 years on ECOSOC, of which only 12 years or 2.57 per cent were served by Pacific Island States (see Table D.3). In the subsidiary organs of ECOSOC the picture is largely the same: only Fiji, Papua New Guinea and Vanuatu served on some of the functional commissions.

Table D.3: Representation of Pacific Island States within GASS (% of GASS total)

	GASS	Pacific Island States
States	54	12 (22.22)
Years served on the SC from 1945 to 2007	104	0
Years served on ECOSOC from 1946 to 2007	467	12 (2.57)
Members provided for the ILC (total years served)	41 / 337	0
Years served on the CHR from 1947 to 2006	474	3 (0.63)
Members on Human Rights Council from 2006 to 2007	13	0

The under-representation of the Pacific Island States may partly be explained by the fact that four of these States were admitted to the United Nations only in the last ten years and another three in the last 20 years. This leaves five States which have been members of the GASS for 25 years or more, at times when the group had fewer than 40 members, thus giving these States more than a 10 per cent share of the membership over that period. While it is true that the majority of Pacific Island States may be classed as “micro-States”, at least two of them each have a larger population than six States from other groups elected to the Security Council since 1945.

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<sup>113</sup> The 12 Pacific Island States are: Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu.

The time element does not play a similar role in the case of the Caribbean States and GRULAC, the membership of which has been largely the same for the last 25 years. Although the ratio in GRULAC between Latin American and Caribbean States is roughly 60 to 40 per cent,<sup>114</sup> the Caribbean States have nowhere reached that percentage of representation within the group (see Table D.4). In most cases these States received fewer than half the seats due to them on the basis of their numerical strength. This is also reflected in GRULAC's relatively high exclusion rate (see Table D.1). Although GRULAC does not include a member of the P-5, several countries from the Latin American sub-group have established themselves as "de facto semi-permanent members" on UN organs. For example, Argentina and Brazil were elected to the Security Council for eight and nine terms respectively, and Brazil and Mexico provided a commissioner for the ILC almost without interruption.<sup>115</sup> Five Latin American States served for more than 30 years on ECOSCO, and four served a similar time on the CHR. The Latin American countries are also significantly over-represented in the subsidiary organs of ECOSCO: the ratio between Latin American and Caribbean States is, on average, 78 to 22 per cent, and these figures do not take into account that Latin American countries typically serve far more terms than their Caribbean counterparts.<sup>116</sup> Fifteen of the group's 17 commissioners elected to the ILC came from Latin American States.

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<sup>114</sup> There are several definitions of "Latin America". The United Nations Statistics Division lists under "Latin America and the Caribbean" the following "Caribbean countries": Antigua and Barbuda, Bahamas, Barbados, Cuba, Dominica, Dominican Republic, Grenada, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago. The Latin America countries include: Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay, and Venezuela.

<sup>115</sup> Brazilian commissioners served in total for 56 years and Mexican commissioners for 54 years, followed by Argentine commissioners who served a total of 38 years.

<sup>116</sup> In the eight subsidiary organs examined the ratio ranged from 82 to 18 per cent to 73 to 27 per cent.

Table D.4: Distribution of seats between Latin American States and Caribbean States in GRULAC (% of total number)

	Latin American	Caribbean
States	20 ( <b>60.61</b> )	13 ( <b>39.39</b> )
States elected to the SC from 1945 to 2007	16 (84.21)	3 (15.79)
Years served on the SC from 1945 to 2007	112 (90.32)	12 (9.68)
States elected to ECOSOC from 1946 to 2007	20 (71.43)	8 (28.57)
Years served on ECOSOC from 1946 to 2007	352 (79.46)	91 (20.54)
Members provided for the ILC (total years served)	34 (89.47)	4 (10.53)
Years served by members of the ILC	287 (93.49)	20 (6.51)
States elected to CHR from 1947 to 2006	16 (80.00)	4 (20.00)
Years served on the CHR from 1947 to 2006	353 (88.69)	45 (11.31)
Members on Human Rights Council from 2006 to 2007	7 (87.50)	1 (12.50)

This unequal distribution of seats between the two sub-groups may be explained by the fact that eight of the Caribbean States have a population of fewer than 500,000 people. Another explanation may be that established group members have a certain advantage. The name of the regional group of “Latin American States” was changed to “Latin American and Caribbean States” only in February 1988.<sup>117</sup> A certain discrimination against new group members may be detected across all regional groups, with the exception of the GAFA (see Table D.5). Only four of the 26 new UN Member States admitted between 1991 and 1993 have since been elected to a non-permanent seat on the Security Council.<sup>118</sup> If one broadens the picture and looks at the States admitted since 1977, only three more can be added, making a total of seven out of 76 new UN Member States elected to the Security Council over the last 30 years.<sup>119</sup> In comparison, all but eight of the first 50 Member States (other than the P-5)

<sup>117</sup> See UN Journal No. 88/19 of 1 Feb 1988, No. 88/23 of 5 Feb 1988 and No. 88/24 of 8 Feb 1988.

<sup>118</sup> Czech Republic (1994-95), Republic of Korea (1996-97), Slovenia (1998-99) and Slovakia (2006-07).



have been elected to the Security Council, 30 of these within the first 15 years of membership.<sup>120</sup>

Table D.5: Election of new members that joined the group within the last 30 years

	New group members since 1977	Elected to SC	Elected to ECOSOC	ILC members provided	Elected to CHR/HRC
GAFS	4	3 (2)	3 (2)	0	3 (1)
GASS	19	1 (1)	3 (1)	1 (0)	2 (1)
GEES	15	3 (2)	7 (4)	2 (1)	5 (4)
GRULAC	6	0	2 (2)	0	0
WEOG	6	0	1 (1)	1 (1)	1 (1)
Total	50	7 (5)	16 (10)	4 (2)	11 (7)

The number in brackets is the number of States elected, or ILC commissioners provided, within a period of ten years of admission to the regional group.

Besides the huge inequalities between and within regional groups, there is the added problem that States do not have an automatic right to group membership. It is the existing members who decide whether or not to admit a State to, or expel it from, the regional group. The prime example is Israel, which was prevented from fielding candidates for non-plenary UN organs and high-level UN positions for more than three decades. Initially a member of the GASS, due to its geographical location, and as such elected to various non-plenary organs,<sup>121</sup> it was effectively expelled from that group in the wake of the Six-Day War in 1967. It took Israel until 30 May 2000 to become a “temporary member” of the WEOG, with limited membership rights, and its membership

<sup>119</sup> Djibouti (1993-94), Zimbabwe (1983-84 and 1991-92), Namibia (1999-2000).

<sup>120</sup> The eight States are Dominican Republic, El Salvador, Guatemala, Haiti (all GRULAC), Afghanistan, Saudi Arabia (GASS), Iceland, Luxembourg (WEOG).

<sup>121</sup> Israel was a member to the CHR (1957-59, 65-70), the ECOSOC functional Commissions on Population and Development (1956-59), Status of Women (1956-61), Social Development (1951-56, 61-64, 66-68) and with Shabtai Rosenne having provided a member of the ILC (1962-71).

of the WEOG was extended indefinitely only on 21 May 2004.<sup>122</sup> In practice, however, Israel still stands at the back of the queue to field candidates for pivotal seats on the Security Council or ECOSOC.

### **V. A multicultural alternative?**

The preceding sections adopt a purely arithmetical approach. Participation in UN organs, however, is not merely a numbers game. Pure numbers certainly overstate the problem. Even States that were calling for a review of the composition of non-plenary UN organs did not contend that the regional distribution of seats in these organs should be governed by “strictly numerical considerations”. It was recognized that “in some cases the strict application of the principle of equitable geographical distribution might be difficult, impossible or even not advisable”.<sup>123</sup> Account must be taken of political, economic and demographic realities, both with regard to individual States and regional groups. Some groups may have more States, others may be more populous, others may be larger in geographical size, and others may be economically stronger or contribute more to the UN budget. Many of the micro-States<sup>124</sup> simply do not have the capacity and expertise to serve on the various non-plenary UN organs. Others which have the personnel and resources to participate may choose not to stand for election.<sup>125</sup> This, however, does not mean that there is no real problem of participation in the United Nations today. There are significant inequalities between and within the existing regional groups. The WEOG is markedly over-represented and developing as well as small States are under-represented in the UN’s non-plenary organs. It is generally recognized that the present-day system of regionalism does not provide UN Member States with an equal opportunity or even a fair and reasonable chance to participate in the work of the organization, and is thus in

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<sup>122</sup> See Israel’s Membership in the Western European and Other States Group ([www.israel-un.org/israel\\_un/weog.htm](http://www.israel-un.org/israel_un/weog.htm)).

<sup>123</sup> UN Doc. A/SPC/32/SR.40, 9 Dec 1977, 6, para. 25 (Japan).

<sup>124</sup> There are some 30 UN Member States each with a population of fewer than 500,000 people.

<sup>125</sup> For example, Saudi Arabia, one of the original UN Member States, never served on the Security Council.

urgent need of an overhaul.<sup>126</sup>

All reform proposals put forward so far maintain a regional group system for the purpose of distributing seats on non-plenary organs.<sup>127</sup> While some want to retain the five existing groups, others are suggesting alternative groups; proposals range from the present five to nine new regional groups.<sup>128</sup> None of these proposals seeks to create a single “European Union Group”.<sup>129</sup> Admittedly, the smooth running of the United Nations requires some kind of electoral group system and the regional groups seem to be a good way of ensuring equal opportunities for participation. Rather than redrawing the boundary lines of existing groups, or suggesting more and new groups, this final section attempts to set out some general principles that should guide the thinking on the formation of regional groups and their internal organization. These are as follows:

- (1) All UN Member States should, as of right, be members of a regional group. However, States should be free not to join any group.<sup>130</sup>
- (2) The General Assembly should lay down clear and objective criteria to determine the question of membership of any new Member State of one of the existing regional groups. For this reason, the regional group system should be institutionalized in the General Assembly’s Rules of Procedure.
- (3) Geographical affiliation should be just one of several criteria for determining group membership. Others may be language, culture, religion, economic or legal system, history, or membership of a political or economic integration organization. Member States of regional economic integration organizations with a common foreign, security and

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<sup>126</sup> Compare Kennedy Graham/Tânia Felício, *Regional Security and Global Governance* (2006), 310.

<sup>127</sup> See for example UN Docs. A/49/965, 15 Sep 1995, 65-67; A/59/L.68, 21 July 2005, para. 4; A/59/723, 3 Mar 2005, 2 and Report of the Facilitators to the President of the General Assembly, above n. 13, 5, 14, 15.

<sup>128</sup> Winkelmann, above n. 37, 458. For other reform proposals, see Graham/Felício, above n. 126, 310-319 (“Chapter VIII Electoral Mechanism”).

<sup>129</sup> Fassbender, above n. 75, 878.

<sup>130</sup> Several States admitted to membership in the 1990s did not immediately join a regional group. Estonia joined the GEES only in May 2004, some 13 years after it had joined the United Nations.

defence policy element (such as the European Union) should be grouped together in one regional group, as such States will have a certain group identity and will usually be bound by common policy positions.

- (4) Regional groups should generally have a limited number of members so as to ensure greater cohesion, identity and accountability. Smaller groups would allow for a more equitable geographical distribution of seats.
- (5) The number of seats for the various groups should, as a rule, correspond to the groups' percentage of the total membership of the United Nations. This would allow for regional groups of different sizes and would thus not require the artificial partition of existing political blocs, such as the European Union, in order to create groups of roughly similar numerical strength.
- (6) Each regional group should include an equal number of powerful or dominant States, as these States tend to lay claim to "*de facto* (semi-) permanent seats" on important non-plenary organs at the expense of the opportunities of other group members. Alternatively, special provision should be made for such States by regularizing the current practice and creating new permanent or semi-permanent seats for them on non-plenary organs, or by accounting for the group membership of such States by proportionally increasing the share of affected groups in the total number of seats, thereby ensuring that other group members also have an equal opportunity to participate.
- (7) The distribution of seats among regional groups should be reviewed at regular intervals specified by the General Assembly to take account of any changes in the numerical strength of the groups.
- (8) The procedure for the nomination of candidates within regional groups should be formalized. As the General Assembly has, in effect, delegated the election of members of non-plenary organs to the regional groups (at least in the case of uncontested candidacies) the electoral process at group level should comply with the requirements for elections in the General Assembly.
- (9) The regional groups should adopt uniform rules and procedures for the nomination of candidates in order to ensure equality of treatment across regional groups, and thus across UN membership as a whole.
- (10) The criteria applied by the regional groups for the nomination of

candidates should be guided by the principle of the sovereign equality of all members of the United Nations. This principle would be best served not by a strict but by an equitable system of rotation. Such a system would not mean that seats have to rotate among group members according to alphabetical order. Rather, States would have the opportunity to be nominated but may be passed over, if they so request.