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ORIGINAL ARTICLE

INTERNATIONAL LAW AND PRACTICE: SYMPOSIUM ON RETHINKING THE ROLE OF ELECTED MEMBERS IN THE UN SECURITY COUNCIL

Elected member influence in the United Nations Security Council

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Abstract

This article reassesses how members of the UN Security Council exercise influence over the Council's decision-making process, with particular focus on the ten elected members (the E10). A common understanding of Security Council dynamics accords predominance to the five permanent members (the P5), suggesting bleak prospects for the Council as a forum that promotes the voices and representation of the 188 non-permanent members. The assumption is that real power rests with the P5, while the E10 are there to make up the numbers. By articulating a richer account of Council dynamics, this article contests the conventional wisdom that P5 centrality crowds out space for the E10 to influence Council decision-making. It also shows that opportunities for influencing Council decision-making go beyond stints of elected membership. It argues that the assumed centrality of the P5 on the Council thus needs to be qualified and re-evaluated.

Keywords: decsion-making; elected members' influence; reform; UN Security Council

1. Introduction

As a popular political saying goes, 'if you're not at the table, you're on the menu'.

In the realm of global governance, this is a powerful assumption. It motivates international actors of all kinds to seek a seat in the global fora that shape world politics. As the reach of those fora has expanded, driven by the increasingly interconnected problems of an ever-more interconnected world, pursuing voice and representation has acquired greater importance.

Yet in the UN Security Council, it is widely understood that not even a seat around the famous horseshoe table ensures that states can have their say. The pre-eminent authority for maintaining international peace and security, the Council remains an exclusive club dominated by its five permanent members (P5), representatives of an old order from which much of the world has moved on.[1] The UN's 188 other member states are represented by just ten elected members (E10) serving two-year terms. These elected members must struggle to have their voice heard – and to make it count – in an institution controlled by powerful members who not only dominate the game, but wrote its rules.

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[1]J. Langmore and R. Thakur, 'The Elected but Neglected Security Council Members', (2016) 39 *The Washington Quarterly* 99.

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The constraints facing elected members are written into the UN Charter and have been the subject of considerable academic scrutiny both in the disciplines of international law and international relations.[2] The Charter institutionalizes an unequal Council hierarchy by granting the P5 not only permanence (Article 23(1)), but also veto power (Article 27(3)).[3] Kishore Mahbubani, the Permanent Representative of Singapore to the UN when Singapore served on the Council in 2001–2002, has pointed out that this 'structural weakness in the Council has resulted from a dichotomy ... the P5 have been given power without responsibility; the E10 have been given responsibility without power'.[4]

At the same time, it is important to recognize that the P5 do not have the power to adopt decisions without some support from elected members, at least in theory. Until 1965, a non-procedural decision of the 11-member Council required seven affirmative votes; from 1966, nine affirmative votes of the current 15-member Council have been required for a draft resolution to be adopted. This means that from the mere perspective of formal voting procedure, and irrespective of political realities, any substantive initiative by the P5 requires the support of at least four E10 members to succeed.[5] Stronger E10 support is needed in cases where the vote of the P5 members is not unanimous.

Procedural voting requirements notwithstanding, E10 members face additional challenges beyond the institutionalized imbalance between permanent and non-permanent membership. In practice they are disadvantaged by the Council's informal working methods in at least three concrete ways:

First, permanent members wield greater diplomatic capacity by virtue of bigger, better resourced missions staffed by diplomats with more Council experience than their elected counterparts, who often take their seat without recent experience of membership.[6] Second, by the time a draft resolution is formally debated, the P5 have often already consulted behind closed doors, scripting in advance the Council's decisions.[7] The informal convention of 'penholding' further

[2]See, e.g., H. Kelsen, 'Organization and Procedure of the Security Council', (1946) 59 *Harvard Law Review* 1098; M. S. McDougal and R. N. Gardner, 'The Veto and the Charter: an Interpretation for Survival', (1951) 60 *Yale Law Journal* 278; D. W. Bowett, *The Law of International Institutions* (1982), 26–33; S. Scott, A. Billingsley and C. Michaelsen, *International Law and the Use of Force: A Documentary and Reference Guide* (2010), 58–9; D. L. Bosco, *Five to Rule Them All: The UN Security Council and the Making of the Modern World* (2009); J. Langmore and J. Farrall, 'Can Elected Members Make a Difference in the UN Security Council? Australia's Experience in 2013-2014', (2016) 22 *Global Governance* 59, at 62–3; S. von Einsiedel, D. M. Malone and B. S. Ugarte (eds.), *The UN Security Council in the Twenty-First Century* (2016).

[3]Art. 27 of the Charter provides that:

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

For discussion on the operation of Art. 27(3) generally see Simma et al. (eds.), *The Charter of the United Nations: A Commentary* (2012), 911.

[4]K. Mahbubani, 'Permanent and Elected Council Members', in D. M. Malone, B. S. Ugarte and S. von Einsiedel (eds.), *The UN Security Council: From the Cold War to the 21st Century* (2004), 253, at 256. Mahbubani critically points out that: 'In the two years that I served as permanent representative on Singapore on the Council, our delegation made several procedural suggestions to improve the working methods of the Council. We expected a positive response. Instead we ran into a lot of resistance, especially from some of the P-5. We were initially puzzled until we heard the private comments of a P-5 permanent representative who expressed surprise that the "tourists" were trying to change the arrangements of the Council. This was a revealing comment. It showed that the P-5 believe that they "own" the Council. In their eyes, the E10 should make no claim to co-ownership, even if they happen to be elected by 191 member states of the UN.' Ibid., at 259.

[5]To date, the relative strength (from a procedural perspective) of the block of the E10 has not led to any 'E7 veto' practice.

[6]D. Caron, 'The Legitimacy of the Collective Authority of the Security Council', (1993) 87 AJIL 552; N. N. Schia, 'Being Part of the Parade – "Going Native" in the United Nations Security Council', (2013) 36 *PoLAR* 138.

[7]I. Hurd, 'Legitimacy, Power, and the Symbolic Life of the UN Security Council', (2002) 8 *Global Governance* 35, at 45.

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entrenches their control.[8] Third, an expansive agenda makes it difficult for states on and off the Council to make representations and advocate for their interests.[9] The Council works at a frantic pace across a hefty agenda; decisions taken at speed offer few opportunities for the 188 to have their say, whether as elected members, through Council consultations or via other means of diplomatic lobbying.[10]

The academic literature on elected Council members overwhelmingly centres around the dominant role of the P5. In the few cases where scholars explore the question of E10 influence, it is often to highlight its limits. Vreeland and Dreher, for instance, posit that P5 members exert influence on E10 behaviour by providing them with more favourable conditions on IMF loans.[11] Hwang, Sanford and Lee argue that P5 members use financial incentives to affect E10 voting in a way that is favourable to their own political agenda.[12] Ian Hurd suggests that non-permanent Council membership is a source of 'symbolic power conferred through being on the Council'.[13] For Hurd, E10 membership is not about real power, but about the 'apparent proximity to real power'.[14] In sum, a commonly held understanding of P5 predominance offers bleak prospects for the Security Council as a forum for voice and representation. The assumption is that real power rests with the P5, while the E10 are simply there to make up the numbers.[15]

This article aims to challenge the conventional wisdom that P5 centrality crowds out any space for elected members to have meaningful influence in Council decision-making. In spite of the unequal relationship between P5 and E10 members, we argue that E10 members can exercise a significant degree of influence and have done so on numerous occasions in the past. We contend that scholarly analysis of Security Council decision-making has overlooked many of the dynamics critical to the Council's outcomes, resulting in shallow understandings of the various ways in which elected members wield influence.[16] Current theory offers little explanation for such influence on Council decision-making and norm-development. We aim here to begin addressing that oversight.

This article proceeds in three sections. Section 1 elaborates our conceptual approach to influence in the specific context of the Security Council, specifying how we observe influence and situating our approach in broader scholarship. Section 2 presents three illustrative cases of influence by elected Council members, namely: Brazil's introduction of the Responsibility While Protecting agenda in 2011; Australia's 2014 push for a procedural vote to add to the Council's agenda the human rights situation in the Democratic People's Republic of Korea; and the contribution of many elected members to the establishment of the Office of the Ombudsperson for the 1267 sanctions regime. These cases demonstrate that elected members have indeed been able to exercise influence on the Security Council, in different ways and in various contexts. They also suggest empirical starting points for the development of a more comprehensive account of elected member influence.[17]

[8]See R. Adler-Nissen and V. Pouliot, 'Power in Practice: Negotiating the International Intervention in Libya', (2014) 20 EJIR 889.

[9]See Langmore and Farrall, *supra* note 2, at 62–3.

[10]See Adler-Nissen and Pouliot, *supra* note 8.

[11]A. Dreher, J. Sturm and J. R. Vreeland, 'Politics and IMF Conditionality', (2013) 59 *Journal of Conflict Resolution* 120.

[12]W. Hwang, A. G. Sanford and J. Lee, 'Does Membership on the UN Security Council Influence Voting in the UN General Assembly?', (2015) 41 *International Interactions: Empirical and Theoretical Research in International Relations* 256, at 256.

[13]See Hurd, *supra* note 7, at 42.

[14]Ibid., at 44.

[15]See C. Keating, 'Power Dynamics Between Permanent and Elected Members', in S. von Einsiedel, D. M. Malone and B. S. Ugarte (eds.), *The UN Security Council in the 21st Century* (2015), 139. Keating identifies a number of areas where E10 members successfully influence Council's decision-making, but he remains cautious not to overstate their impact.

[16]For exceptions see R. Thakur, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect* (2017), at 339–43; Langmore and Thakur, *supra* note 1; Langmore and Farrall, *supra* note 2.

[17]The examples emerge from interviews and workshops with former UN diplomats, UN staff, civil society representatives, and academics conducted during phase one of our ARC Discovery Project. For details on the project, see www.scan-un.org.

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Drawing on the comparative insights of these examples, Section 3 presents a framework to guide further research and theory development on elected member influence. Given the paucity of existing theory on elected member influence, our intention here is to advance a research agenda, not to provide a definitive explanation. This article makes two contributions to that task. First, our framework tentatively identifies four means by which elected members can have influence: (i) Diplomatic capacities and competences; (ii) Dynamics of representative legitimacy and voice; (iii) Favourable conditions; and (iv) Formal and informal mechanisms of influence. We distinguish between these four means in order to facilitate analysis, noting that in practice these often overlap, and that elected member influence will often occur through multiple means. Second, we articulate an agenda for future research, including a method for observing influence to enable case selection for more comprehensive, structured comparison.

2. Conceptualizing influence in the Security Council

The question of how states influence international affairs sits at the core of international relations theory.[18] Yet, the most authoritative studies on the issue date back to the 1970s. For instance, the landmark comparative analysis of international organizations by Cox and Jacobson remains – remarkably, more than four decades later – the most useful account of how influence is exercised in global governance institutions.[19] For Cox and Jacobson, influence can be exercised in four different ways: (i) by taking the initiative; (ii) by casting a veto and preventing a decision from being taken; (iii) through control (e.g., over resources or knowledge); and (iv) through brokerage between entrenched positions vis-à-vis a specific issue. Other scholarship uses a higher order of abstraction to typologize influence. Baldwin, for instance, observes four means of influence available to states in international affairs: military, economic, symbolic, and diplomatic.[20]

The political realities and institutional character of the Security Council mean that we do not expect either economic or military means to be significant in explaining elected member influence. Rarely, if ever, will elected members command the resources necessary to wield those types of influence in their relations with the Council's permanent members; neither our illustrative examples nor our wider research have revealed military or economic influence of significance.

Thus, the E10 must find the means to achieve influence elsewhere. Knowledge and symbolic means, which includes normative appeals, the provision of information, communicative action, argument, discourses, propaganda, framing and narratives, diplomatic representation, and negotiation, are more likely to play a role in that context.[21] Nadin notes that the most influential E10 members rely on leadership, diplomatic skills, and political capital rather than objective power. They are 'innovative' and seek out opportunities.[22] Influence can also be a long-term goal. Rodiles explains that incremental multilateral changes made by elected members should not be underestimated. He notes that E10 members can be instrumental in improving the Council's adherence to the rule of law, although their achievements are 'rarely ground-breaking and rather incremental'.[23]

[18]R. W. Cox and H. K. Jacobson, *The Anatomy of Influence: Decision Making in International Organization* (1973); D. Baldwin, *Economic Statecraft* (1985); E. Goh, 'The Modes of China's Influence: Cases from Southeast Asia', (2014) 54 *Asian Survey* 825.

[19]Cox and Jacobson, ibid.

[20]Baldwin, *supra* note 18; see also H. J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (1961); R. A. Dahl, 'The Concept of Power', (1957) 2 *Behavioral Science* 201; D. J. Singer, S. Bremer and J. Stuckey, 'Capability Distribution, Uncertainty, and Major Power War, 1820-1965', in B. Russett (ed.), *Peace, War, and Numbers* (1972), at 19.

[21]D. Baldwin, 'Power and International Relations', in Carlsnaes et al. (eds.), *Handbook of International Relations* (2002), 177; see also Hurd, *supra* note 7; I. Johnstone, 'The Power of Interpretative Communities', in M. Barnett and R. Duvall (eds.), *Power in Global Governance* (2005), 185; Cox and Jacobson, *supra* note 18; Caron, *supra* note 6; Adler-Nissen and Pouliot, *supra* note 8; Schia, *supra* note 6.

[22]P. Nadin, *UN Security Council Reform* (2016), at 90.

[23]A. Rodiles, 'Non-Permanent Members of the United Nations Security Council and the Promotion of the International Rule of Law', (2013) 5 *Goettingen Journal of International Law* 333, at 372.

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Our study of influence differs in important respects to most of that work. We do not attempt to determine or measure the general influence of a particular state, or the distribution of influence among states. Rather, we examine specific incidents of influence, in a particular institutional context, at a certain time, on a particular issue. We do not aim to predict the likelihood of a particular state influencing the Council. Instead, we are interested in explaining outcomes – how was a particular decision reached? – and understanding influence dynamics – what means of influence are available to elected members?

With that in mind, we observe influence when the behaviour of an elected member significantly shapes the Council's decision-making process with respect to a particular institutional outcome. That is, an elected member has influence when the evolution of the Council's decisions, such as resolutions and presidential statements, or of its decision-making practices, otherwise known as 'working methods', cannot be explained without accounting for that member's actions (beyond simply casting their vote). We acknowledge that not taking a decision can itself be an outcome, so we also look for instances of elected member influence that prevent a Council decision. Our threshold for observing influence is reasonably high: to count as an instance of influence, an elected member needs to have had *significant* impact on the decision-making process. Judging significance is unavoidably subjective; we ground our observations and their justifications in qualitative analysis of the empirical record. We then seek to explain how the elected member exercised that influence.

In order to capture these influence dynamics, we need a more nuanced understanding of the Security Council than is commonly found in the literature. Our account has four distinctive characteristics. First, the Council is embedded in a broader ecosystem of global governance; it is just one of many fora through which states seek to influence international affairs.[24] We thus assume that the elected member has an intent to be influential on a specific issue, and that its actions are likely to be connected to its diplomatic efforts beyond the Council. Second, the Council is more than the sum of its formal features; it is an institution defined as much by its informal conventions and practices as by the formal authorities and responsibilities accorded to it by the UN Charter.[25] Third, we understand the Council not as a unitary actor but as a forum constituted by 15 member states. Rather than focus on the Council's role or impact in the world, we study the ways in which its decisions are reached, and the roles of and relationships between Council members to that end. This requires analysing Council dynamics, not its static architecture. To understand the influence of elected members, we trace their connections to non-Council members, as well as the dynamics between incoming and outgoing members. Fourth, we analyse influence dynamics within a specific constellation of elected members, recognizing the propensity of these dynamics to change over time.

The three examples of elected member influence presented in Section 3 show how we apply these conceptual insights in empirical investigation. In Section 4, we then draw on these narratives and wider influence theory to develop an analytical framework specific to the institutional context of the Security Council.

3. Illustrative cases of elected member influence

This Section presents three illustrative cases of influence by elected Council members, namely: Brazil's introduction of the 'Responsibility While Protecting' agenda in 2011; Australia's 2014 push for a procedural vote to place on the Council's agenda the human rights situation in the Democratic People's Republic of Korea; and the contribution of many elected members to the

[24]See Cox and Jacobsen, *supra* note 18, especially at 1–36.

[25]J. Harrington, 'The Working Methods of the United Nations Security Council: Maintaining the Implementation of Change', (2016) 66 *International & Comparative Law Quarterly* 39; see also D. Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century* (2004); L. Sievers and S. Daws, *The Procedure of the UN Security Council* (2014).

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establishment of the Office of the Ombudsperson for the Resolution 1267 sanctions regime. These cases demonstrate different ways in which elected members, working individually and collectively, have built and exercised influence on the Council.

3.1 Brazil and the 'Responsibility While Protecting'

Brazil introduced the idea of 'Responsibility While Protecting' (RWP) towards the end of its 2010–2011 elected term. The RWP idea, outlined in a concept note distributed to Council members via presidential letter, sought to refine Council decision-making surrounding the use of force in pursuit of the 'Responsibility To Protect' (R2P).[26] While the RWP initiative did not lead to a formal change in decision-making processes, it prompted debate on the need for the Council to reassure UN members that its collective security mechanisms to implement R2P would not be misused or abused.

The idea of RWP emerged from disquiet at the implementation by NATO of the Security Council's authorization in Resolution 1973 (2011) of the use of force to protect civilians in Libya.[27] Prominent critics, including the Russian Foreign Minister, Sergei Lavrov, and the Secretary-General of the Arab League, Amr Moussa, claimed that NATO's air campaign had exceeded the Council's mandate and endangered rather than protected civilians.[28]

The controversy surrounding NATO's implementation of Resolution 1973 challenged the legitimacy of the Council's decision-making on Libya, and of R2P itself. This created an opportunity for Brazil to exert influence. An experienced elected member (only Japan had served more often on the Council), Brazil also brought to this issue its long history as a leader of the Global South and a consistent foreign policy emphasis on norms of non-intervention, multilateralism, and peaceful settlement of conflicts.[29]

Brazil deployed the highest levels of national political leadership to shape the normative debate. In her speech to the UN General Assembly on 21 September 2011, President Dilma Roussef observed that '[m]uch is said about the responsibility to protect; yet we hear little about responsibility in protecting'.[30] Brazilian Foreign Minister, Antonio Patriota, had a strong personal interest in the RWP initiative and played a lead role in drafting the concept note presented to the Council on 9 November 2011. The depth of Patriota's personal commitment to RWP gave it a sense of gravitas and credibility which contributed significantly to Brazil's influence.[31]

The RWP concept note emphasized that the Council could avoid the need to resort to force by prioritizing conflict prevention strategies, preventive diplomacy and other peaceful means in the exercise of R2P. However, if force were to be used, it 'must be authorized by the UNSC',[32] and be exercised responsibly – that is, force must be 'judicious, proportionate and limited to the objectives established by UNSC'.[33] Furthermore, enhanced Council procedures were required 'to monitor

[26]Letter Dated 9 November 2011 from the Permanent Representative of Brazil to the United Nations Addressed to the Secretary-General, UN Doc. S/2011/701 (2011), (hereinafter 'RWP Concept Note'); see also Brazil's address to the Council on Protection of Civilians in Armed Conflict, UN Doc. S/PV.6650 (2011), at 15–17.

[27]UN Doc. S/RES/1973 (2011), at para. 4.

[28]"Transcript of the Interview by the Russian Foreign Minister Sergey Lavrov to Bloomberg, 1 June 2011', Embassy of the Russian Federation to the UK, 2 June 2011, available at www.rusemb.org.uk/press/112; E. Cody, 'Arab League Condemns Broad Bombing Campaign in Libya', *The Washington Post*, 20 March 2011, available at www.washingtonpost.com/world/arab-league-condemns-broad-bombing-campaign-in-libya/2011/03/20/AB1pSg1_story.html.

[29]P. W. Almeida, 'Brazilian View of Responsibility to Protect', (2014) 6 *Global Responsibility to Protect* 29.

[30]"Statement by H.E. Dilma Rousseff, President of the Federative Republic of Brazil, at the Opening of the General Debate of the 66th Session of the United Nations General Assembly', United Nations, 21 September 2011, available at gadebate.un.org/sites/default/files/gastatements/66/BR_en_0.pdf.

[31]K. M. Kenkel and C. G. Stefan, 'Brazil and the Responsibility while Protecting Initiative: Norms and the Timing of Diplomatic Support', (2016) 22 *Global Governance* 41, at 50.

[32]RWP Concept Note, *supra* note 26, at para. 11(c).

[33]Ibid., at para. 11.

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and assess the manner in which resolutions are interpreted and implemented', and the Council should take steps to 'ensure the accountability of those to whom authority is granted to resort to force'.[34] The concept note also stressed that these accountability principles of RWP should be respected 'throughout the entire length of the authorization, from the adoption of the resolution to the suspension of the authorization by a new resolution'.[35]

Facing initial scepticism from both western and non-western states,[36] Brazil deployed various tactics to build a coalition behind the RWP idea. Brazil's coalition-building tactics created new consensus among a divided UN membership, including by rallying other leading non-western states such as India and South Africa, holding informal meetings, and making important compromises, such as relaxing its proposal for rigid sequencing of Council deliberations.[37]

Importantly, RWP benefitted from a conducive political context. Controversy over Libya provided 'a window of opportunity'[38] for Brazil's norm-shaping ambitions, while the specific composition of the Council in 2011, in which all five BRICS countries were members, created a receptive environment in which to float new ideas to strengthen accountability mechanisms for R2P implementation.[39]

There is some debate concerning the extent to which Brazil's attempt at norm entrepreneurship was ultimately successful.[40] This is largely due to the fact that Brazil's active promotion of RWP ended shortly after its term on the Council. With Patriota's transfer out of the foreign affairs portfolio and President Rousseff's mounting domestic priorities, RWP lost its leading Brazilian champions, and with them its political momentum.

3.2 Australia and the human rights situation in the Democratic People's Republic of Korea

At the end of its 2013–2014 term, Australia succeeded in its attempt to include the human rights situation in the Democratic People's Republic of Korea (DPRK) on the Council's agenda. The initiative was prompted by the February 2014 release of the UN Commission of Inquiry's report, which found that DPRK had perpetrated 'systematic, widespread and gross human rights violations', including crimes against humanity.[41] The UN Human Rights Council promptly endorsed the Commission's report and recommended that the General Assembly submit the report to the Security Council to allow for follow-up action, such as referring the matter to an international criminal justice mechanism or imposing additional sanctions against DPRK.[42]

Australia's direct engagement on the issue began in March 2014, when it sponsored an Arria-formula meeting. These confidential gatherings, named for Venezuelan Ambassador Diego Arria who initiated the practice in 1992, allow for 'frank and private exchange of views,

[34]Ibid., at paras. 11(f), 11(h), 11(i); see also K. M. Kenkel and M. T. Martins, 'Emerging Powers and the Notion of International Responsibility: Moral Duty or Shifting Goalpost?', 10 *Brazilian Political Science Review* 1.

[35]RWP Concept Note, *supra* note 26, at para. 11(g).

[36]K. Bannelier and T. Christakis, 'Between Flexibility and Accountability: How Can the Security Council Strengthen Oversight of Use-of-Force Mandates?', in J. Farrall and H. Charlesworth (eds.), *Strengthening the Rule of Law Through the UN Security Council* (2016), 209; J. Harrington, 'Use of Force, Rule-of-Restraints, and Process: Unfinished Business for the Responsibility to Protect Concept', in Farrall and Charlesworth, ibid., at 224.

[37]Kenkel and Stefan, *supra* note 31, at 46; T. Benner, 'Brazil as a Norm Entrepreneur: The "Responsibility while Protecting" Initiative', (2013) *Global Public Policy Institute Working Paper*, at 4–7.

[38]Kenkel and Stefan, *supra* note 31, at 53.

[39]D. McDougall, 'Responsibility while Protecting', (2014) 6 *Global Responsibility to Protect* 64, at 78–9.

[40]A. Serbin and A. S. Pont, 'Brazil's Responsibility while Protecting: A Failed Attempt of Global South Norm Innovation?', (2015) 20 *Pensamiento Proprio* 171.

[41]Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, UN Doc. A/HRC/25/63 (2014); see also M. Kirby, 'The United Nations Human Rights Inquiry on North Korea: Background, Reaction and Prospects', (2015) 45 *Hong Kong Law Journal* 425.

[42]Situation of Human Rights in the Democratic People's Republic of Korea, UN Doc. A/HRC/RES/25/25 (2014), at paras. 1, 7.

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within a flexible framework', permitting the Council to meet with bodies otherwise unable to attend Council meetings.[43] Moreover, the decision to hold a meeting under this format cannot be vetoed; there is no mandatory procedure to follow when calling such a meeting and members attend at their own discretion. The meeting concept note described the event as 'an opportunity to discuss the human rights situation faced by the people of the DPRK and its impact on the maintenance of international peace and security'.[44] During the meeting, the 13 Council members in attendance (China and Russia were absent) were briefed by the Chair of the Commission and two former DPRK detainees.[45] Soon after that Arria meeting, Australia sent a letter to the Security Council President requesting that report's circulation to Council members. Despite strong resistance from some members, who were uneasy about bringing Human Rights Council matters before the Security Council, the report was ultimately circulated.[46]

Australia subsequently sought to move the discussion beyond informal settings by adding human rights in DPRK to the list of items of which the Council was seized. To achieve this, the issue had to be formally included on the agenda of a Council meeting. Usually, meeting agendas are adopted without vote. If the agenda is contested, however, the UN Charter and the Council's Provisional Rules of Procedure (PRoP) provide that a procedural vote is required.[47] Permanent members cannot veto a procedural vote; the affirmative vote of nine members of the Council is sufficient to adopt a measure.[48]

By 2014, procedural votes had become quite rare; it had been eight years since the Council's previous procedural vote.[49] Moreover, the Council had never added an agenda item on the sole basis that human rights violations arising outside a conflict constituted a threat to international peace and security. Various permanent members were reluctant to do so in this case; some protested that a procedural vote would undermine their right to veto.[50]

Australia responded to this resistance by holding sequenced bilateral talks with individual Council members. The sequencing was strategic, beginning with those members most likely to support the vote because, as one Australian official observed, 'everyone is watching what everyone else is doing'.[51] By 5 December 2014, Australia had secured sufficient support for a procedural vote, communicating this in a letter to the Council President bearing the signatures of ten Council members.[52] The letter expressed concern about 'the scale and gravity of human rights violations' described in the Commission's report, noted that these violations threatened 'to have a destabilizing impact on the region and the maintenance of international peace and security', and requested that the issue be placed on the Council's agenda and that a meeting be held on the situation in the DPRK.[53] The letter triggered the mechanism of Rule 2 of the PRoP, whereby the President must call a meeting at the request of any Council member.

[43]'Background Note on the "Arria-Formula" Meetings of the Security Council Members', UN Working Methods Handbook, available at www.un.org/securitycouncil/content/background-note.

[44]'Arria-Formula Meeting with the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (DPRK)', *What's In Blue*, 16 April 2014, available at www.whatsinblue.org/2014/04/arria-formula-meeting-with-the-commission-of-inquiry-on-human-rights-in-the-democratic-peoples-repub.php.

[45]Ibid.

[46]Letter Dated 14 April 2014 from the Permanent Representatives of Australia, France and the United States of America to the United Nations Addressed to the President of the Security Council, UN Doc. S/2014/276 (2014).

[47]See Provisional Rules of Procedure of the Security Council, UN Doc. S/96/Rev.7 (1983), Rule 9.

[48]1945 Charter of the United Nations, 1 UNTS XVI (1945), Art. 27(2).

[49]'The Procedural Vote from 1990 on', *Security Council Report*, January 2019, available at www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/working_methods_procedural_vote-1.pdf, at 1.

[50]Interview with former Australian diplomat, Canberra, 19 February 2016.

[51]Ibid.

[52]Letter Dated 5 December 2014 from the Representatives of Australia, Chile, France, Jordan, Lithuania, Luxembourg, the Republic of Korea, Rwanda, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations Addressed to the President of the Security Council, UN Doc. S/2014/872 (2014).

[53]Ibid., at 1.

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After some debate, and in the context of overt opposition from China and Russia,[54] the Council met on the human rights situation in DPRK on 22 December 2014. Speaking before the 22 December vote, China expressed its opposition 'to exploiting the existence of large-scale violations of human rights ... as a reason to include the situation in the DPRK on the agenda of the Council'.[55] Nevertheless, 11 countries voted in favour of the Australian initiative, with China and Russia voting against and Chad and Nigeria abstaining.[56] The item was thus added to the agenda and the Council immediately held its first meeting under that new item.[57]

The DPRK procedural vote case demonstrates the potential for elected members, in the right circumstances, to shape the Council's agenda. In this case, it created a significant precedent, whereby the Council acknowledged that grave human rights violations arising within a state's borders could pose a threat to international peace and security. This example demonstrates the potential of the procedural vote to influence not just the Council's agenda but also the interpretation and application of the Council's UN Charter mandate to maintain international peace and security.

3.3 The role of elected members in the establishment of the 1267 Ombudsperson

Between 2005 and 2009, a succession of elected members, including Denmark (2005–2006), Belgium (2007–2008), Costa Rica (2008–2009), and Austria (2009–2010) worked with engaged non-Council member states to address procedural fairness deficits in the Council's Resolution 1267 sanctions regime against al-Qaida and the Taliban. The outcome of this dynamic diplomacy was the creation, by Resolution 1904 (2009), of an Office of the Ombudsperson and a three-step process to deal with de-listing requests from targeted entities and individuals.[58]

Established in October 1999 to impose a travel ban, arms embargo, and assets freeze on any individual or entity associated with the Taliban, the Resolution 1267 sanctions regime was repeatedly criticized for lacking basic due process guarantees. Of particular concern was that targeted individuals had no recourse to independent review of their listing, and while a UN focal point was created by Resolution 1730 (2006) to consider delisting requests, those individuals could not participate in or be heard by the UN's internal review process. Pressure for reform mounted steadily throughout the 2000s, driven in part by a number of legal challenges brought by listed individuals before domestic and international courts and tribunals, in particular the so-called *Kadi* litigation.[59]

From late 2005 to the establishment of the Ombudsperson in late 2009, reform of the 1267 regime's listing/de-listing procedure was advocated on a near-continuous basis by a growing number of elected members, in and out of the Council chamber. Following a 1267 committee briefing to the Council in October 2005,[60] for instance, Brazil noted that the 'mechanisms for both listing and delisting leave significant room for improvement in transparency, effectiveness and

[54]'Meeting on the Human Rights Situation in North Korea', *Security Council Report*, 19 December 2014, available at www.whatsinblue.org/2014/12/meeting-on-the-human-rights-situation-in-north-korea.php.

[55]The Situation in the Democratic People's Republic of Korea, UN Doc. S/PV.7353 (2014), at 2.

[56]Ibid., at 3.

[57]Ibid., at 3–21.

[58]UN Doc. S/RES/1904 (2009), paras. 19–21 and Annex II.

[59]See Joined Cases C-402/05 P and C-415/05 P, *Yassin Abdullah Kadi and Al Barakaat International Foundation v. Council of the European Union and Commission of the European Communities*, [2008] ECR I–6351, which followed Case T-315/01, *Kadi v. Council*, [2005] ECR II-3649. For discussion see, *inter alia*, A. Bianchi, 'Security Council's Anti-Terror Resolutions and their Implementation by Member States', (2006) 4 *Journal of International Criminal Justice* 1044; C. Michaelsen, 'Kadi and Al Barakaat v Council of the EU - The Incompatibility of the UN Security Council's 1267 Sanctions Regime with European Due Process Guarantees', (2009) 10 *Melbourne Journal of International Law* 329; D. Hovell, 'Due process in the United Nations', (2016) 110 *American Journal of International Law* 9; A. Tzanakopoulos, 'Theorizing or Negotiating the Law? A Response to Devika Hovell', (2016) 110 *AJIL Unbound* 3.

[60]Briefings by Chairmen of Subsidiary Bodies of the Security Council, UN Doc. S/PV/5293 (2005).

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fairness',[61] while Liechtenstein, a non-Council member intervening in accordance with Rule 37 of the PRoP, pointed to the 2005 World Summit Outcome as mandating 'the Council to ensure that fair and clear procedures exist for placing individuals and entities on sanctions lists and removing them'.[62] The need for fair and clear procedures was again emphasized in February 2006 by Austria (under Rule 37), on behalf of the European Union.[63] When the Council received further updates from the 1267 committee in May 2006, elected members Greece, Qatar, and Japan all pressed for greater attention to procedural fairness.[64]

Momentum accelerated in June 2006 when Denmark, as Council President, scheduled a thematic debate on the rule of law.[65] Denmark's Foreign Minister, Per Stig Moeller, chaired the debate and Judge Rosalyn Higgins, President of the International Court of Justice, spoke in accordance with Rule 39 of the PRoP.[66] These interventions added political and legal weight to the debate. Moreover, all ten elected members stressed the need for 'fair and clear procedures' in sanctions regimes.[67] In addition, Denmark circulated a 'non-paper' to 'help guide the discussion', which included as one of three focal issues the enhanced efficiency and credibility of UN sanctions regimes.[68] This initiative followed correspondence from non-Council members Germany, Sweden, and Switzerland, announcing a jointly commissioned report on how to strengthen targeted sanctions regimes.[69] Prepared by the Watson Institute Targeted Sanctions Project at Brown University, the report explored review mechanism options, including that of an ombudsman, to 'address shortcomings' of existing sanctions committee procedures.[70]

In August 2008, Belgium circulated a concept note during its Council Presidency to steer a discussion on working methods towards transparency issues.[71] The need to ensure fairness, clarity, and independent review was also emphasized by Iceland, intervening (under Rule 37) on behalf of Denmark, Finland, Iceland, and Norway.[72] Later that year, in response to a 1267 committee briefing, Switzerland (under Rule 37) noted with disapproval the lack of progress on due process reforms, recalling that 'Switzerland and Liechtenstein, together with Denmark, Germany, the Netherlands and Sweden, proposed the establishment of an expert group appointed by the Council to assist the sanctions committees in the consideration of delisting requests' and expressing 'regret that resolution 1822 (2008) did not reflect any of the ideas put forward in that discussion paper'.[73]

[61]Ibid., at 10.

[62]Ibid., at 31.

[63]Briefings by Chairmen of Subsidiary Bodies of the Security Council, UN Doc. S/PV/5375 (2006), at 25–6.

[64]Threats to International Peace and Security Caused by Terrorist Acts, UN Doc. S/PV/5446 (2006), at 10–11, 14–16.

[65]'Update Report No. 3: Strengthening International Law', *Security Council Report*, 16 June 2006, available at www.securitycouncilreport.org/update-report/lookup_c_glkwlemtisg_b_1790887.php.

[66]Strengthening International Law: Rule of Law and Maintenance of International Peace and Security, UN Doc. S/PV.5474 (2006), at 1, 5–8.

[67]Ibid., at 11–15, 18–33.

[68]Letter Dated 7 June 2006 from the Permanent Representative of Denmark to the United Nations Addressed to the Secretary-General, UN Doc. S/2006/367 (2006).

[69]Identical Letters Dated 19 May 2006 from the Permanent Representatives of Germany, Sweden and Switzerland to the United Nations Addressed to the President of the General Assembly and President of the Security Council, UN Doc. A/60/887-S/2006/331 (2006).

[70]Ibid., at 62. A few months earlier Bardo Fassbender delivered a study commissioned by the UN Secretariat's Office of Legal Affairs; B. Fassbender, 'Targeted Sanctions and Due Process: The responsibility of the UN Security Council to ensure that fair and clear procedures are made available to individuals and entities targeted with sanctions under Chapter VII of the UN Charter', 20 March 2006.

[71]Letter Dated 4 August 2008 from the Permanent Representative of Belgium to the United Nations Addressed to the Secretary-General, UN Doc. S/2008/528 (2008).

[72]Implementation of the Note by the President of the Security Council, UN Doc. S/PV/5968 (2008), at 28.

[73]Briefings by Chairmen of Subsidiary Bodies of the Security Council, UN Doc. S/PV/6015 (2008), at 25.

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Switzerland intervened again in May 2009, noting the legal dilemma faced by member states whose courts questioned the legality of domestic measures to implement 1267 sanctions,[74] while Liechtenstein called again for fair and clear procedures for listing/de-listing.[75] In November 2009, elected member Costa Rica emphasized the need for independent review, referring to a 'working document' it had developed with a group of like-minded states, comprising Belgium, Costa Rica, Denmark, Finland, Germany, Liechtenstein, Netherlands, Norway, Sweden, and Switzerland, which proposed a number of options to improve the due process of the 1267 regime.[76] Costa Rica urged the Council 'to consider those options, in particular with a view to the resolution that we are due to negotiate next month to renew the sanctions regime'.[77]

A month later, the Council adopted Resolution 1904 unanimously and established the 1267 Ombudsperson.[78] The process of its creation is illustrative for several reasons. First, it demonstrates that a coalition of member states, both on and off the Council, were able to build and maintain momentum for achieving reform of the 1267 sanctions regime by strategically employing a range of formal and informal methods to set and shape the reform agenda. Departing elected members that championed reform passed the baton to incoming members, and, in many instances, remained involved afterwards. Elected members and non-members used commissioned studies and commentary by experts to formulate concrete proposals, which also helped to depoliticize the reform agenda. Finally, the existence of a conducive context was crucial. The terrorism-related context of the 1267 sanctions regime, as well as broader thematic debates on the rule of law, facilitated participation in Council debate by a range of states based on Rule 37 of the PRoP. At the same time, developments in judicial fora – particularly the EU courts – generated pressure on the European members of the Council, including France and the United Kingdom, to take seriously the due process shortcomings of the 1267 sanctions regime.

4. A framework of influence

These three illustrative examples demonstrate the value and method of our approach to observing elected member influence. While more detailed comparative analysis is needed, these necessarily selective examples nevertheless highlight a wide range of explanatory factors that help to account for the otherwise surprising incidence of elected member influence. In this section we draw on these insights to propose a four-part framework for studying, and ultimately explaining, how elected members influence Council decision-making.

The first influence factor concerns legitimacy dynamics, and refers to the need for the Council to be perceived as more than just a forum for power politics. The second factor concerns the diplomatic capacities and competences of elected members. The third factor is the favourability of conditions, including timing, political context, and the specific composition of the Council. The final factor refers to specific formal and informal mechanisms of influence.

4.1 Representative legitimacy

Legitimacy dynamics are centrally important to Council practice.[79] Although the permanent members enjoy an outsized role in Council decision-making, it is not an exclusive role. The Council's permanent members need the elected members, and not only in order to obtain the

[74]Briefings by Chairmen of Subsidiary Bodies of the Security Council, UN Doc. S/PV.6128 (2009), at 27.

[75]Briefings by Chairmen of Subsidiary Bodies of the Security Council, UN Doc. S/PV.6128 (Resumption 1) (2009), at 16 (emphasis added).

[76]Briefings by Chairmen of Subsidiary Bodies of the Security Council, UN Doc. S/PV.6217 (2009), at 15.

[77]Ibid.

[78]See the Council Resolution, *supra* note 58, paras. 19–21 and Annex II.

[79]See Hurd, *supra* note 7; Johnstone, *supra* note 21; I. Claude, 'Collective Legitimization as a Political Function of the United Nations', (1966) 20 *International Organization* 367.

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nine affirmative votes necessary for a resolution. An institution that is seen *only* as a vessel for manipulation by the most powerful states quickly loses its influence. Without legitimacy, the Council – like any institution – loses authority, the very basis on which its decisions matter: states more often ignore its decisions, and they stop taking issues to the Council, preferring to use alternative institutions. That is, the Charter may give the Council (legally) binding powers but in order for its decisions to have impact in the world, the Council needs to command the respect, consent, and compliance of the world's states and, increasingly, its non-state actors. This means that elected members must be effective, or at least *seen to be* effective, in representing the views of the broader UN membership.

Legitimacy commands respect, which is why more legitimate institutions find that their decisions are more often complied with. These benefits of legitimacy give elected members opportunities to have their voices heard and thereby to make Council decision-making more representative. As Johnstone argues, 'even the smallest members count equally as representatives of the international community and are at least notionally expected to speak for all in the collective interest'.[80]

Elected members can seize these opportunities to exercise symbolic influence in two practical ways. First, they can build coalitions with other elected members, and with UN member states outside the Council, to amplify their voice and demonstrate the representativeness of their position. Second, they can leverage the legitimizing effect of principled argument, connecting their position to the UN Charter or a broader conception of fairness, justice or appropriateness.[81]

The influence of legitimacy was evident in all three of the illustrative examples presented. In the case of RWP, the initiative had traction not only on the merits of the idea, but also because it was perceived to represent the views of the Global South on Council-authorized use of force, an issue about which there was considerable concern following the invocation of R2P to justify military action in Libya in 2011.[82] The same dynamic was at play with regards to the inclusion of the human rights situation in the DPRK on the Council's agenda. The support Australia gained among elected members prior to the vote provided its initiative with legitimacy and made it less appealing for other members to contest it. In the case of the 1267 Ombudsperson, member states built coalitions on and around the Council to advocate for principled, fair, and clear procedures, an objective that had been recognized by the UN membership at large at the UN Summit in 2005.

4.2 Diplomatic competences and capacities

Efforts to legitimize the Security Council often exaggerate the purported powerlessness of elected members. There is also a tendency to view structural reform, in the shape of an expanded membership, as the natural solution to the Council's representative legitimacy deficits. However, as our illustrative examples reveal, a variety of existing diplomatic instruments can help elected members to have a more effective voice in Council decision-making.

Cox and Jacobson found that, while states with the most material power capabilities were able to exercise the greatest influence in international organizations, for smaller states with fewer power capabilities, 'individual inclinations and attributions became … much more important determinants of … influence'.[83] In the context of the Security Council, then, we expect that diplomatic practices and the personal qualities of elected member representatives – their *diplomatic competences* – will be particularly important in accounting for elected member influence. These include the longevity of their association with the UN, their expert knowledge and

[80]Johnstone, *supra* note 21, at 196.

[81]Permanent members also use these means of influence; see Adler-Nissen and Pouliot, *supra* note 8.

[82]McDougall, *supra* note 39, at 74–7; Kenkel and Stefan, *supra* note 31, at 45.

[83]Cox and Jacobson, *supra* note 18, at 394.

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proficiency, and their personal charisma. Indeed, our interviews with UN practitioners have revealed that many accord substantial explanatory weight to the reputation, tactical skill, and tenaciousness of an elected member's Permanent Representative and its other senior diplomats.[84]

Nevertheless, the relative size, wealth, and resources of a member state remain important, because they are likely to determine the *diplomatic capacity* of a member state. We expect the size and experience of both a New York mission and the team supporting it from the capital will be significant. To be influential, elected members need a mission staffed with skilled experts to keep up with the furious pace of Council deliberations. Moreover, effective Council diplomacy requires a reasonable degree of autonomy from the capital. Diplomats in the mission may need to be empowered to take decisions without having to cable home for clearance.[85]

One way for elected members to bolster their diplomatic capacity and competence is to build relationships and share experiences with other UN member states in and outside the Council. In this way, the influence of one specific elected member can build on prior work by others. The campaign to create the 1267 Ombudsperson is a good example of the concerted efforts by many UN member states over a sustained period of time. Outgoing elected members effectively passed the baton to like-minded incoming states, and sitting Council members leveraged coalitions with non-members, some of whom (like Liechtenstein and Switzerland) had never served on the Council. These dynamics enabled momentum to build to a successful crescendo.

4.3 Favourable conditions

Exercising influence is not simply a matter of assembling resources and employing a set of tactics. While the agency of an elected member will be crucial in determining influence, the ability to influence Council decision-making is constrained by factors beyond the control of any one state. Elected member influence is, after all, the exception not the norm in Security Council practice.

Our illustrative examples highlight the significance of favourable conditions to these instances of elected member influence. Timing, the political context and the specific composition of the Council appear particularly important. The timing of Brazil's RWP initiative leveraged the opportunity created by reservations about, or outright hostility to, the implementation of Resolutions 1970 and 1973 on Libya. Similarly, the *Kadi* decision of the European Court of Justice (ECJ) threatened the legitimacy (and implementation) of the Council's 1267 sanctions regime and created political pressure for reform. For Australia's pursuit of a procedural vote on human rights in the DPRK, timing also mattered: it followed on the heels of the Commission of Inquiry's report, which meant the issue already had momentum. Moreover, the Commission's chair, Michael Kirby, was a highly-respected retired judge of Australia's High Court with UN experience.

Furthermore, the longer an issue is considered, the greater the opportunities for influence.[86] Whereas the fast pace of P5 diplomacy often limits the entry points for elected members in a debate, issues on which permanent members are either stalemated or not seeking a rapid decision allow elected members the time to build a coalition, develop proposals and solutions, and lobby Council members through creative diplomacy. These dynamics are particularly evident in the example of reforms to the 1267 sanctions regime. For more than five years, a coalition of elected members applied consistent pressure for reform; combined with a hostile decision

[84]As explained in *supra* note 17, this article draws on interviews and workshops with former UN diplomats, UN staff, civil society representatives, and academics conducted during phase one of our Australian Research Council Discovery Project, available at www.scan-un.org.

[85]See Schia, *supra* note 6.

[86]Caron, *supra* note 6.

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by the ECJ, this created an environment in which the proposed Ombudsperson mechanism became not just politically palatable, but necessary.

4.4 Formal and informal mechanisms of influence

Our three influence examples, as well as our broader observations of Council dynamics, highlight a number of specific mechanisms commonly seen in cases of elected member influence. First, while the significance of the rotating Presidency should not be overstated, elected members have at times used it astutely to provide a platform to set and advance an agenda, and sometimes to draft a resolution and put it to a vote. As the Ombudsperson example demonstrates, Belgium and Denmark used their Presidencies to advance substantively the debate on strengthening fair and clear procedures in relation to 1267 sanctions regime.

Second, the provisional rules of procedure provide mechanisms for non-permanent members to participate in Council debates. As the Ombudsperson example shows, enhancing voice through the use of Rules 37 and 39 of the PRoP can bolster influence by demonstrating an initiative's representative legitimacy.

Third, while informal practices of decision-making can disadvantage elected members,[87] instances of elected member influence include the use of informal mechanisms like Arria-formula meetings. As was apparent in the DPRK example, Arria-formula meetings allow elected members to promote issues and perspectives that would otherwise be blocked by permanent members.

Fourth, coalition-building practices are evident throughout our observations. Sometimes these are 'voice coalitions' that enable elected members to leverage representative legitimacy as a means of influence. As discussed above, Brazil was able to present RWP as representative of the broader UN membership by actively seeking the support and endorsement of other elected members as well as UN members outside the Council. The example of the 1267 Ombudsperson offers rich detail on the often long-term and complex dynamics of coalition-building. But elected members must often also build 'voting coalitions' in order to secure the requisite support for a decision. This was instrumental to Australia's success in adding the issue of human rights in the DPRK on the Council's agenda. Building support among fellow Council members ahead of the procedural vote gave Australia room to use its diplomatic skills strategically, forming a support base with members most favourable to Australia's initiative before reaching out to ambivalent members.

Fifth, elected member influence may rely on the input and active co-operation of epistemic communities and outside experts on a particular issue area.[88] In the example of the 1267 Ombudsperson, the elected members in question engaged a network of expert stakeholders, including from academia, NGOs, the UN Secretariat, and international legal practitioners. This not only strengthened the case that a substantial shortcoming existed within 1267 sanctions regime, but also helped the UN member states involved do the difficult technical work of crafting reform proposals to address that shortcoming.

Sixth, the clout of particular individuals deployed by elected members can be a significant driver of influence. For example, Brazil's RWP agenda was advanced not only by its UN mission but also by the direct involvement of the Brazilian President and Foreign Minister. Similarly, in the example of the 1267 Ombudsperson, the role of the Danish Foreign Minister helped to advance the agenda at crucial moments. The role of particularly skilful and tenacious Permanent Representatives and other diplomats thus also warrants close attention.

[87]D. M. Malone, 'Introduction', in D. M. Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century* (2004), 1, at 7.

[88]E. Adler and P. M. Haas, 'Conclusion: Epistemic Communities, World Order, and the Creation of a Reflective Research Program', (1992) 46 *International Organization* 367.

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5. Conclusion

Scholarly analysis of Security Council decision-making, with its focus on the P5, has overlooked many of the dynamics critical to the Council's outcomes, resulting in shallow understandings of the various ways in which the E10 wield influence. This article has established the case for further investigating elected member influence. It suggests that wider empirical research with structured case comparisons is needed to arrive at a more nuanced understanding of elected member influence in and around the Council. Moreover, it demonstrates that opportunities for influencing Council decision-making go beyond stints of elected membership and that the centrality of the P5 on the Council needs to be qualified and re-evaluated.

Through the cases discussed in this article, we have identified four key – mutually reinforcing – explanatory factors that shape the extent to which elected members can influence Council decision making: legitimacy dynamics, diplomatic capacities and competences, favourability of conditions, and formal and informal mechanisms of influence. In most cases it will be a combination of all four factors that explains why individual E10 members, or a coalition of E10 members, succeeded in influencing Council outcomes. A key question for E10 members is, of course, whether (and when) challenging the P5 dominance is worth it, both for the sake of the Council's work and for one's own well-being. Standing up to the P5 is a risky proposition, particularly when political or economic retribution from a permanent member may ensue and the desired outcome of greater input in decision-making and respectful treatment may not follow.

This article has also pointed to larger questions of voice and representation in and around central global institutions, which are particularly relevant in times of shifting power. At the beginning of the twenty-first century, global order is in transition. The liberal institutional architecture that was created in the aftermath of the Second World War is challenged not only by complex problems but also by the lack of voice and representation of those countries to which global power is shifting. The findings of this article concerning how less powerful actors can build and maintain influence in the company of more powerful actors, thus have potential application in other important global decision-making contexts.

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