



BRIEFING PAPER

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Brexit and the UN Security Council

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1. Overview

The UK is one of the five permanent members of the UN Security Council. Would leaving the EU strengthen the UK's position in the UN, have no direct effect, or result in a loss of legitimacy for the UN? What if it resulted in Scotland leaving the UK? Views differ; but the difficulty of amending the UN Charter makes any change to the permanent membership of the Security Council unlikely.

2. Strengthen the UK's position in the UN?

Chris Muspratt, a researcher for the Get Britain Out campaign group, argues that leaving the EU would help the UK keep its seat on the UN Security Council:

While Ministers close to Prime Minister David Cameron play their games about whether to support Remaining in or Leaving the EU, they should consider this: how on Earth could Britain be more influential if Brussels would like to merge Britain's and France's UN Security Council Seat into a single EU one? Just as we lost our place on the World Trade Organisation, the federalists will always seek to trespass on the independence of Member States.

One strand of Security Council reform calls for an EU seat on the Security Council, which could replace the UK and French seats. In November 2015 the European Parliament endorsed a [report](#) which refers to the 'long-term goal of the EU having a seat on an enlarged Security Council'.

3. No direct effect?

Karen E Smith (Professor of International Relations at the LSE and Director of the European Policy Unit) and Katie Laatikainen (Professor of Political Science at Adelphi University) are among those who argue that Brexit would not have any effect on the UK's permanent membership of the UN Security Council.

The UK is of course a permanent member of the UN Security Council, and this status would not be affected by a Brexit. As the UN Security Council is the most important international institution, it could be argued that Brexit would have little impact on the UK's role in the most powerful multilateral body.¹

¹ Karen E Smith and Katie Laatikainen, '[Without EU clout, how would the UK fare at the United Nations?](#)', LSE blog, 8 March 2016

4. Loss of UN legitimacy?

Catherine Gegout (Lecturer in International Relations at the University of Nottingham) suggests that if the UK kept the veto power of its permanent membership of the Security Council after leaving the EU, the UN might lose legitimacy:

On the international stage, the UK would have even less legitimacy than it has now as a member of the permanent five of the UN. Why would the UK have as much say at the UN as the US, France, Russia and China? It is not clear whether states such as India, Brazil and South Africa would continue to support the UN decision-making process if a small state – the UK, outside the EU and very likely without Scotland – had veto power.

China has already said that the UN Security Council needs a reform, and that it must include an increase in the number of representatives from developing countries, especially African nations. Any reform process would undoubtedly question the legitimacy of the seat of a UK outside of the EU.²

Similarly, Professor Richard G Whitman (Visiting Senior Fellow at Chatham House), argues that the British government might be forced to fight the perception that Britain's international role and influence was shrinking:

Brexit also raises questions about the UK's overall international importance, possibly leading other countries to question whether membership of key bodies – such as the UN Security Council – is still appropriate.³

5. The Scotland question

Catherine Woollard, writing for Carnegie Europe, has suggested that if Brexit led to Scotland leaving the UK, calls for reform of the UN Security Council would become stronger:

If the UK does leave, it is likely to break up, with the more pro-European Scotland voting for independence so it can rejoin the EU as a separate member state. That in turn opens up the question of UN reform. A diminished UK would have a tenuous grip on its permanent seat at the UN Security Council; the current situation is already palpably unjust.⁴

Sajjad Karim MEP argues that in that case, 'England' would not be able to keep the UK's permanent seat:

We hold a seat on the UN Security Council as a United Kingdom. I don't see a scenario in which the likes of China and Russia will allow that seat to be maintained by England alone.⁵

It is by no means certain that if the UK left the EU, Scotland would leave the UK – not least because it is unclear whether an independent Scotland would be able to continue as a member of the EU without having to apply as a new accession candidate.⁶

If Scotland did leave, whether the rest of the UK would be able to keep the UK's seat on the UN Security Council depends on how it was viewed under international law. There are at least three different possibilities:

² Catherine Gegout, '[Brexit would be death knell for British influence in the world](#)', *The Conversation*, 18 May 2016

³ Richard Whitman, '[After the 'Leave' Vote: The UK's European Year Zero](#)', Chatham House Expert Comment, 10 March 2016

⁴ Catherine Woollard, '[Brexit Is Not All Bad for the EU](#)', *Strategic Europe*, 8 March 2016

⁵ '[Sajjad Karim: Juncker's EU Commission bid is not backed by the Treaty](#)', Euractiv.com, 20 June 2014

⁶ See Commons Library standard note 6110, '[Scotland, independence and the EU](#)', 8 November 2011

- continuation and secession (the rest of the UK would retain its treaty obligations and membership of international organisations, but Scotland would not);
- separation (both entities would retain them); and
- dissolution (both would lose them).

The most likely outcome is for the 'rest of the UK' to be seen as the successor state. In this case, it would probably be able to keep its Security Council seat (if that was politically acceptable to the other permanent members). The precedent for this is that after the dissolution of the Soviet Union in 1991, the (smaller) Russian Federation was recognised as the legal successor state of the Soviet Union and kept the latter's seat on the Security Council (even though the Charter still refers to the Union of Soviet Socialist Republics rather than the Russian Federation):

In a letter dated 24 December 1991, Boris Yeltsin, the President of the Russian Federation, informed the Secretary-General that the membership of the Soviet Union in the Security Council and all other United Nations organs was being continued by the Russian Federation with the support of the 11 member countries of the Commonwealth of Independent States.⁷

However, if the break-up of the UK was seen as dissolution, the 'rest of the UK' would not automatically keep its membership of the UN or its permanent seat on the Security Council.

6. Mechanism for changing permanent membership

As the [UN Charter](#) specifies the UK as a permanent member of the UN Security Council (Article 23), the Charter would have to be amended in order for the UK (or any successor state) to lose its seat.

Charter amendment requires all the permanent members of the Security Council to vote in favour in the General Assembly, and pass the necessary domestic ratification processes:

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.⁸

The chances of amending the UN Charter to alter the permanent membership of the Security Council – whatever the views of the European Parliament, India, Brazil or South Africa – are very slim, if the long-running and so far futile attempts to reform membership of the Security Council are anything to go by. Even if agreement were reached about the UK's seat, those calling for an expanded permanent membership are unlikely to let the opportunity go by, and yet they are nowhere near reaching consensus.

⁷ <http://www.un.org/en/member-states/>

⁸ UN Charter Article 108