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Reform of the Security Council and its implications for Global Peace and Security.

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In September 2003 the UN Secretary General, Kofi Annan called for the reform of the UN Security Council (UNSC) to make it more effective and representative of 21st century "geopolitical realities.[1]" The concerns over effectiveness and equal representation along with demands of transparency have been articulated by a number of the UN member-states in earlier debates around the issue. The debates have become particularly vigorous after the end of the Cold War that, as Ofuaku and Ukaga point out, "ushered in a renewed interest in democratic governance all over the world"[2].

However, on the flipside of the quest for global democratization, the UN and particularly the Security Council came under harsh criticism for the lack of transparency and equal representation in their structure. Despite virtually unanimous dissatisfaction with the UNSC work voiced by the majority of the UN member-states and developing states in particular, they differ on the types of the actions to be taken to improve the situation. These differences reflect the aspirations and fears of particular state actors and reveal an enormous complexity of the problem at hand.

This essay considers major criticisms addressed to the UNSC and discusses different versions of the reform proposed by various states and academics. It also attempts to assess the realism and practicality of the reform proposals on the table. Finally, it reflects on the effect that the reform would have on the legitimacy of the UN Security Council and its role in maintaining global peace and security.

UNSC – An Exclusive Club or Representative Organ?

It could be argued that the current structure of the UN's most powerful organ has been challenged since the moment of its inception. The outcome of the San Francisco Conference in 1945 was, indeed, endorsed by its participants. However, the actual negotiations on the rules of the new organization remained in the hands of the two major actors – The United States and the Soviet Union. The first formal proposal for the reform in the UN Security Council was made in 1956 by 18 Latin American countries. As more countries became independent the pressure for reform increased and, finally, the current fifteen state composition of the Security Council was ratified by two thirds of UN member states in 1965[3]. The pressure continued in the period between 1970 and 1990 as the members of the Non-Aligned Movement (NAM) developed a platform with the objective " to work towards further democratization of the UN" and "secure the widest participation of member states" in the UN decision-making[4]. No progress, however, could be made at that time due to the superpower competition that hindered any attempts at reform. In fact, the deadlock in the Security Council prevented any change, be it to the benefit of the poorer countries or the industrialized world, as any aspirations of the Western states to add new members to the UNSC were equally blocked.

With the end of the Cold War the situation changed drastically. The UNSC was no longer a stage for superpower rivalry and could now fully assume its functions of maintaining global peace and security as outlined in Article 24 of the UN Charter. The first steps in this direction were encouraging. A settlement of the Iran-Iraq crisis and consensus

(though with some reservation) on the action during the Gulf Crisis of 1990-91 made the idea of an active and productive Security Council seem possible. However, the issues of lack of representation and usurpation of the UNSC by the permanent members of the Security Council (P-5) soon resurfaced and the legitimacy of the Security Council was undermined. Describing the cause of the problem Justin Morris notes:

> The UN was forced to rely on the major Western Powers for political leadership and material help and found itself on the horns of a dilemma. Inactivity attracted disapprobation not dissimilar to that of the Cold War…yet where the UNSC became engaged, its actions were often accompanied – on occasion with good cause - by allegations of inappropriate self-interested motives on the part of the United States and, to a lesser extent, the UK and France (so-called P-3)[5].

Many UN member-states, especially those from the developing world, have come to see the Security Council as an undemocratic and neo-colonialist institution. The attacks on the right of veto held by the Council's five permanent members were particularly harsh. Ofuaku and Ukaga quote Alounkhed Kittikhoun of Lao's People's Democratic Republic stating that "most countries were of the view that the veto power was anachronistic, anti-democratic, and contrary to the principle of sovereign equality of states."[6]

Though it is clear that the P-5 nations will not give up their right of veto, nor will they endorse the abolishment of this institution, the attempts were made to address the issue. The Commission on Global Governance, for instance, suggested that the permanent members should only exercise their right to veto in the circumstances they deem exceptional. Furthermore, it suggests the creation of "standing members" of the Security Council i.e. permanent members without the right to veto.[7] The Netherlands put forward an idea, according to which "two negative votes by permanent members would be required to veto a decision instead of one."[8] Whatever the proposal may be it is inevitably

linked to the issue of the composition of the Security Council and by extension, its enlargement.

UNSC enlargement and the issue of equitable representation

There seems to be an overall consensus in that the Security Council needs to be enlarged for it to be more representative. The proposed mechanisms of the enlargement, however, differ significantly. Some authors have attempted to look at these variations in regional perspective. Indeed, at least one region has expressed its wish to represent its views collectively. The Organization of African Unity has stated that its members should occupy at least two permanent and five non-permanent seats, where the permanent seats would be allotted based on the system of rotation to the states selected by the OAU.[9] Norway proposed the "two permanent plus three permanent but rotating" formula that would add two permanent members to the existing P5 plus three "regional" seats for Africa, Asia and Latin America occupied on the basis of rotation[10]. Although the NAM does not endorse the idea of rotation, it holds the view that each southern region - Africa, Asia and Latin America - should have one permanent member-state on the Security Council.

Considering the creation of the European Common Foreign and Security Policy (CFSP), it would be sensible for Europe to have one "regional" voice on the Security Council. The Maastricht treaty suggested that "permanent European members of the Security Council use their influence for Union interest.[11]" This option, however, is problematic since

Germany aspires to become a permanent member of the Council and would hardly support this scheme. Another possible reform in the same realm would be the replacement of Britain and France with Japan and a European Union seat. Advocating this type of reform, Helen Leigh-Phippard notes:

> If the Council is to be reformed in a way that will give it more authority without making it unworkable, then reform, which does not add to the total number of members and so does not increase the number of potential vetoes may be preferable[12].

However, she further acknowledges that such a reform would be highly problematic due to the resistance of the Great Britain and France that would not relinquish their positions on the Security Council.[13] Thus, the idea of one voice for every region does not seem to be workable. As Justin Morris points out, "the wisdom of the approach appears questionable…even within Western Europe, the most politically cohesive region in the world, the leading states are unwilling to countenance regional representation within the Council."[14]

Indeed, the differences and tensions in regions outside Europe are more pronounced, which makes the consensus on regional representation hard to achieve. The example of Asia illustrates the controversies around the issue. On the one hand, the idea of rotational seats backed by some states, such as Malaysia, Syria and Turkey is criticized by other states in the region. India holds that the principle of the rotation should not be extended to permanent membership as it "will militate against the objective of continued accumulation of experience by the developing countries," while Indonesia is preoccupied that the rotational representation may "sharpen the regional animosities."[15] On the other hand, Pakistan is opposed to the idea of one Asian state representing the whole region as

it believes that it would "fuel the tendencies towards hegemony and domination which are manifest in some regions."[16] The tendencies are similar in other regions. In Latin America, for instance, Argentina opposes the permanent membership for Brazil and no agreement is likely to be reached on rotational representation of any kind. Furthermore, the developing countries in and outside Asia alike oppose the piecemeal enlargement of the UNSC as they are determined to prevent Japan, a candidate most likely to be approved by the P-5, from becoming a permanent member in the first round[17].

As we have seen, the consensus on regional representation is problematic in most cases. Moreover, disagreements on certain candidatures can go beyond regional borders. It appears, therefore, that should the reform go ahead, the UNSC would have to review individual candidatures not necessarily endorsed by the region they are supposed to represent. There is also a possibility of two or more rival candidates from the same region. However, the idea of representation by regions remains workable, as no better alternative seems to have been found. The NAM maintains that Japan and Germany should be come permanent members if the representation of other developing regions is ensured. The United States supports this view and suggests three permanent members representing Africa, Asia and Latin America be admitted to the UNSC beside Japan and Germany. Other P-5 members seem to concur in this view at least to some degree[18]. The impediment of the reform then is the opposition of the developing states to the piecemeal enlargement of the Council and, by extension, the necessity to agree on the three members other than Japan and Germany that are to join the Security Council. As we have seen from the discussion above, such agreement may be difficult to reach. In addition,

this brings to the fore the issue of requirements that a candidate has to meet in order to become a permanent member of the UNSC.

Permanent Membership: "Worthy" and "Unworthy" Candidates

Upon its creation, the UNSC was invested with special powers and responsibilities. Its permanent members were privileged to decide on the matters of international peace and security as well as veto the resolutions proposed by other members. Although Article 23 (1) of the UN Charter does not mention any qualifications, to which permanent members of the UNSC should conform, the function of the Security Council to maintain peace and security suggests that the permanent members would be the member-states most capable of performing this function. It could be argued though that neither France nor Great Britain conformed to this condition in 1945, not to mention China that at the time was in the midst of struggle between two rival governments claiming to represent the same nation. It appears then that the appointment of the permanent members except for the United States and the Soviet Union was somewhat arbitrary and relied on geopolitical considerations more than on any measurement of conformity. Nevertheless, in 1945 the members of the UN agreed, though with reservations, to this arrangement. Thus, we may argue that the arrangement reflected some sort of international balance of power to the extent that the UN members at the time considered it reasonably fair and legitimate.

Over more than fifty years of existence of the UN the geopolitical situation has changed. The UK and France have declined as world powers and Russia has found itself in political and economic crises. However, the three nations have retained their exclusive

status in the Security Council, claiming leading roles in maintaining peace and security in the world, the role, one might argue, they no longer have the capacity to play. The Charter does not have any provisions as to the replacement of permanent members of the Security Council or the addition of new ones. Therefore, there is no clear understanding of which states are now eligible to become permanent members of the Security Council.

In search of a solution to this uncertainty, the NAM suggested that the new permanent members should be selected on the basis of a combination of criteria, including the criteria of selection of non-permanent members contained in the Article 23(1) of the Charter. The criteria they outlined are "consistency in support for, and participation in, and financial contribution to, UN activities in the field of international peace and security, regional geographical representation, [and] economic potential for regional roles are the most important criteria in judging the suitability of states that have applied for permanent membership."[19] Even if we take this relatively simple set of criteria as a starting point, we may still find the choice problematic. For instance, the monetary contribution of Japan constituted 19.63% of the UN budget in 2001.[20] At the same time India is one the UN largest contributors of peacekeeping troops[21]. How would one compare which of the two states is more "worthy" of becoming the UNSC permanent member. The issue of regional representation was discussed in some detail. However, it is worth underlining that the election of the country with most economic potential in the region to the Security Council as a permanent member may give grounds to regional hegemony and tensions.

Another frequently evoked criterion is population. It appears irrational to elect countries to the Security Council based on the size of their population, however. Should this become a criterion of selection, the North would become underrepresented in spite of its superior economic power. Meanwhile, the economic power remains an important component of legitimacy of the Security Council, as maintaining international peace and security is impossible without commitment of adequate resources, the lion's share of which is to be provided by the permanent members of the UNSC. It is obvious that all the above-mentioned criteria would have to be considered in the process of selection. Moreover, the current geopolitical realities, such as the position of the P-5, will have to be taken into account. Nevertheless, the future of the UNSC enlargement is unclear. The "Roundtable On Security Council Reform" panel notes:

> The question of who would get a seat on an expanded Security Council, and with what powers, remains wide-open. In the absence of a clear set of objective criteria for Security Council membership, jockeying at the UN for any new seats, permanent or non-permanent, will be fierce[22].

It would not be fair to treat the UNSC reform as a "joke" or hopeless missions, as certain authors did[23]. However, the complexity of the task should be understood and treated adequately.

Representation and Effectiveness. Which Way the Correlation?

The enlargement of the Security Council is admittedly a necessary measure of reinforcement of its legitimacy. However, the degree of the expansion is vigorously debated. The debate touches on another crucial concern over the democratic nature and transparency of the Security Council. Ofuaku and Ukaga quote Pehr Ksanda of Zambia

stating, "those who urged democratization at the national levels should be at the forefront of efforts to democratize international institutions, including the Security Council."[24] Democratization would dictate that all permanent members are democratic states and that work of the Security Council is transparent at all its stages. Neither of these conditions is satisfied at the present time. China is a non-democratic permanent member with the right of veto and Article 30 of the UN Charter gives the Council the right to determine its own work procedures. Furthermore, a democratic institution should strive for wider and not narrower representation. Yet the P-5 seek to limit the number of both permanent and non-permanent members of the Security Council. As Bardo Fassbender points out,

> The Northern industrialized states want to limit an increase in the overall membership of the Security Council since any such increase may diminish their influence and, so goes official reasoning, impede the Council's ability to fulfill its mission speedily and effectively.[25]

Indeed, in different versions of the reform proposal the number of the expanded Security Council membership never reached 30 members. The NAM document, in particular, suggests the increase up to 26 members.[26] Suggestions have been made to establish a new category of permanent members that will not possess the right of veto.

We hereby come to an interesting dichotomy. On the one hand, the Security Council ought to be enlarged to regain legitimacy and effectiveness in the eyes of the developing world. On the other hand, limiting the UNSC membership is seen as the condition of its efficiency. Although it may be tempting to limit participation in favor of speedier decision-making, the idea has to be approached with caution. The necessity of "effective" action has often been used as a justification of dictatorial regimes and is not deemed legitimate at the national level. Therefore, such a line of

reasoning is hardly acceptable for international institutions. Though a truly democratic principle of representation in the Security Council may be difficult to achieve, this does not mean that the ideal itself should be abandoned. The reform of the Security Council should uphold the principle of democratic structure and work organization even if the deviations from the ideal are inevitable.

CONCLUSION

The reform of the Security Council represents a major challenge for the United Nations. The increase of the number of permanent members of the Council, improving on the transparency of its decision-making and ensuring equitable representation of all UN member-states on the Council – these are just some of the issues surrounding the reform. The addition of new non-permanent members that was not discussed in this essay due to the lack of space is another issue of considerable importance. The consensus on the necessity of the reform has been reached and, thus, the idea is not hopeless. Some reform proposals are workable, though many issues remain controversial. Moreover, the legitimacy of the UN as an international organization is still quite considerable.

It should not be forgotten that the United Nations is an institution created by its members, as is the Security Council. Therefore, reinforcing the legitimacy of the UN will only be possible if the member-states are determined to commit to the reform. It is the commitment of member-states and particularly of the permanent members of

the Council that will likely decide the future of the UN Security Council in the years

to come.

ENDNOTES

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