



UN Security Council Reform: Unrealistic Proposals and Viable Reform Options

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Forward

Calls to reform the most powerful organ in the United Nations, the Security Council, have gained great strength in recent years. The power to approve or disapprove what actions the United Nations will take was bequeathed to the victors of World War II: the United States, United Kingdom, Russia, China, and France, which are collectively known as the Permanent Five (P-5) members. However, regional powers and other member states are now calling for greater representation and power than their ten rotating/nonpermanent seats in the Security Council and their minuscule voting influence.

A multitude of proposals have been put forward since 1993, when the General Assembly authorized an "Open Ended Working Group" to study expansion of the Security Council. The most notable have come from Japan, Germany, India, and Brazil (collectively known as the Group of Four or G4), from the African Union, and from a "United for Consensus" group; but there have been others as well. Recent claims for greater representation and power in the Security Council are based on geographical/regional representation and monetary contribution to the UN. Although these claims for greater participation and representation in the Security Council seem to have a logical justification, they do not necessarily guarantee the improvement of an already flawed system.

Problems with Reform Proposals

It is evident that the Security Council is not representative of today's world. It lacks adequate representation of the developing nations that account for far more than half of the world's population. This non-proportional representation of the non-P-5 member states in the Security Council gives them less ownership "in the maintenance of peace and international security" as stipulated in the Charter. Furthermore, the permanence and privileges in the Security Council of the countries that won World War II is no longer justified, for only the United States can still claim such great power status. In addition, the inability of the Security Council to act effectively in the face of violent situations such as Rwanda, Bosnia-Srebrenica, Somalia, and Sudan-Darfur makes it clear that reform needs to take place.

Many reform proposals have been advanced with these shortcomings in mind. One of their primary aims is to make the Council more effective and efficient, but this is unlikely to happen. What is "surprising and disturbing is that none of the reforms on the table go to the question of what would make the Security Council function better."¹

The major common theme among the most popular proposals for reform is a call for an increase in Security Council membership. Adding more members to the Council will make it more representative, but this does not equate to effectiveness; hence, the 1945 Dumbarton Oaks establishment of two United Nations bodies to deal with the democracy vs. efficacy dilemma. By increasing membership "the group would be too large to conduct serious negotiations and still too small to represent UN membership as a whole."² Obtaining consensus in political issues is extremely difficult to obtain when fifteen representatives are vying for their

national interests, so what is the logic in expanding membership by another nine, ten, or eleven votes?

Self-interest, not democracy, motivates these membership claims, and a council loaded with more permanent members would suffer from gridlock and political sclerosis.³ According to a study on *Power and Satisfaction in the Security Council* by Barry O'Neill, "granting more seats to the non-veto players can diminish their total power [in the Security Council]."⁴ This would be due to a greater pool of elected members that the P-5 could court in order to get an affirmative vote for their resolutions. Additionally, adding new veto members would impede the council from acting in an efficient manner. The P-5's national interests hinder the Council's ability to address issues closest to them, and adding new veto members would further decrease the odds of a specific issue being addressed, let alone voted on.

The best opportunity to successfully address Security Council inequality was in San Francisco in 1945. A valiant attempt by Australia and nine other countries to limit the veto proved unsuccessful, thereby giving the P-5 the ability to dictate the course of the Security Council without any possibility of overriding their decisions. In reality, the Security Council was established to deal with threats to peace and security in a rapid and effective manner, and the veto and permanence was given to the P-5 in order to obtain their backing and involvement in the Security Council and its decisions. Without the veto, powerful countries that comprise the P-5 would not be involved and therefore the Security Council would lack the political and military might to carry out its decisions. As George W. Bush's September 2002 address to the General Assembly expressed, "We created the United Nations Security Council so that, unlike the League of Nations, our deliberations would be more than talk, our resolutions would be more than wishes."⁵

None of the prominent reform proposals address the issue of how to make the Security Council function in a more effective manner. What they do achieve is a greater division between member states in their efforts to try to obtain permanent membership in this exclusive club. If one examines the majority of the proposals, it would be fair to say that nations partake in this reform process for one of two reasons: Either they want to join the Security Council on a permanent basis, or they want to impede their rival from joining the Security Council. Either way, these motives do nothing to fix a Security Council that has been flawed from the beginning. Therefore, maintaining a Security Council that has partially worked thus far seems to be the most logical solution in light of the proposals put forward and their shortcomings.

Increasing Effectiveness under the Current Model

Keeping the status quo of the Security Council in no way rules out exploration of other avenues to improve the effectiveness of the Council. In fact, maintaining the status quo should serve as a catalyst for reform options that the 187 member states can rally around that would not be as likely to meet P-5 objection. If reform is to take place in the Security Council to make it more efficient or inclusive, then that reform must not be seen by the P-5 as an encroachment on their power.

At Dumbarton Oaks, it was decided that the winners of World War II were to ensure peace and stability through the permanence of the five victors in the council and the use of the veto, essentially making the winners permanently in charge of the United Nations. Today, the lack of unity in support of Security Council reform has only strengthened the Dumbarton Oaks arrangement.

The static idea of permanence and power has created a class struggle between the bourgeoisie (*veto countries*) and the proletariat (*non-veto countries*). The arrogance of the P-5 leads them to believe that they have a better understanding of the world than the majority of the member states when they oppose Security Council reform. Consequently, it is safe to conclude that any Security Council reform that would diminish the power of the P-5 by eliminating their veto will not materialize anytime soon.

Therefore, reform needs to focus on attainable objectives that will increase Security Council efficiency while slowly and non-threateningly increasing the power/voices of the ten elected/non-permanent members (E-10). Proposals for limiting the use of the veto, having standing rules of procedure, institutionalizing the presidency, providing a secretarial body for the E-10, reforming the elections for E-10 representation, and changing working methods in the Security Council is more logical and doable than other proposals which mainly call for council expansion and more veto powers.

Limiting the Use of the Veto

Since the elimination of the veto is not a viable option, member states must exert pressure to restrict the use of the veto. One logical and justifiable recommendation for veto use limitations would be a renewed call to adopt the failed 1945 Australian amendment. This amendment would restrict the use of the veto to decisions taken under Chapter VII of the Charter, thereby permitting the *whole* Security Council to act with more authority and unity in the many cases falling under Chapters VI and VIII.

Another proposal is that no single P-5 member could veto a decision backed by others. This seems logical in that it would prevent unilateral action by a P-5 member against the will of the greater international community. Had this proposal been instituted in 1945, it would have prevented 195 unilateral vetoes used against the will of the remaining member states. The concept of having two P-5 members vote down a resolution creates a “greater legitimacy” in the Security Council, preventing the will of one country from trumping the rest.

Another way to achieve reasonable reform in the Security Council would be for “countries invoking the veto . . . [to] be required to state and defend their reasons.”⁶ Although this idea is based more on diplomatic courtesy and respect than precedence or Charter interpretation, it provides a logical process by which the great divide between P-5 and other member states can be at least slightly bridged. Moreover, in cases of humanitarian emergencies, human rights violations, or genocide, the P-5 could abstain from using the veto if their vital interests are not

involved,⁷ and thereby keep their power of the veto to protect their national interests while adhering to the principles of saving “succeeding generations from the scourge of war.”⁸

Standing Rules of Procedure

The Security Council must also draft and implement ways to avoid use of the “double-veto.” The issue here is the decision on whether or not a matter is substantive or non-substantive (procedural) in nature. If the issue being considered is substantive, then any P-5 member can veto it; on the other hand, if the issue is non-substantive (procedural), then the matter can be adopted by “an affirmative vote of nine members.”⁹ However, the question of “Is a matter procedural?” is considered substantive, and therefore the P-5 can exert their veto power. This crafty use of Security Council rules could be eliminated if standing rules clearly delineated what is procedure, in an effort to assure the power struggle over interpretation does not fall exclusively into the hands of the P-5. Ironically, definitions of criteria for procedural matters were developed by the Interim Committee of the General Assembly in 1949 but were omitted from any resolutions. The Interim Committee defined procedural matters as:

1. . . . all decisions adopted in application of provisions which appear in the Charter under the heading “Procedure” . . .
2. . . . all decisions which concern the relationship between the Security Council and other organs of the United Nations . . . [and thus] relate to the internal procedures of the United Nations . . .
3. . . . all decisions of the Security Council which relate to its internal functioning and the conduct of its business . . .
4. . . . certain decisions of the Security Council which bear a close analogy to decisions included under the above-mentioned criteria . . .
5. . . . certain decisions of the Security Council . . . which are instrumental in arriving at or in following up a procedural decision . . .¹⁰

Such criteria for defining procedural matters, if specifically instituted in the (still provisional) Rules of Procedure of the Security Council, would clarify matters that frequently sideline the E-10. By adopting standing rules of procedure for non-substantive matters the Security Council could function in a way that curtails the veto of the P-5 and allows consideration and inclusive discussion by the representatives of the remaining member states.

Institutionalized Presidency

All the organs of the United Nations have an institutionalized presidency with the exception of the Security Council. The Security Council uses a one-month rotating presidency that is more symbolic. According to Ambassador Ahmad Kamal, the former Permanent Representative from Pakistan, the “power of the Security Council President is zero.”¹¹ Due to the short time period of the council presidency, the primary duties of this office are essentially limited to drafting agendas for meetings, presiding over the meetings, and deciding the order of speakers. Hence, any continuity of ongoing Security Council business stays with the P-5.

“Most respectable international organizations have a six-month or one-year presidential term,”¹² and the Security Council should not be an exception. An institutionalized presidency that could be extended in term to allow a longer learning period and would allow continuity of agenda items and Security Council interests would best serve the needs of the United Nations. One idea is a triumvirate-institutionalized presidency, with the future, existing, and past presidents providing continuity for three years. Such a presidency would allow the leadership of the Security Council to rest in an institution that was voted for by the majority of the member states, and not one imposed by the P-5, thereby democratizing and giving more legitimacy to the Security Council. An institutionalized presidency brings many benefits that would serve the ideals of the United Nations and reform the Security Council in a manner that would not jeopardize the P-5’s veto power.

Secretarial Body/Institutional Memory for the E-10

The lack of continuity in the Security Council for non-P-5 members highlights the importance of providing a secretarial body to the E-10 members, to ensure “institutional memory” is available to them. This is of utmost importance in creating Security Council efficiency. Many novice countries elected to the Council do not have the luxury of a complete understanding of the procedures or detailed history of Security Council workings, and when they finally grasp the basics, their two-year term ends. Two-year terms are very limiting because “the first six months and perhaps even the first year, a member of the Security Council has great difficulty”¹³ in acclimatizing to its role in the Security Council. Therefore, member states should press the Secretary General to expand Rule 24 of the Provisional Rules of Procedure of the Security Council, which states, “The Secretary General shall provide the staff required by the Security Council,”¹⁴ to also include secretarial assistance or a secretarial body to the E-10. This secretarial body must be trustworthy and not susceptible to be prevailed upon by the P-5.¹⁵

A secretarial body to the E-10 can ensure continuity for the E-10 members, which in turn will provide them with the institutional memory to make more informed decisions. This in itself is an indirect way of democratizing the Security Council and an avenue that will be seen as less threatening to the power of the P-5. If the P-5 does object to creation of a secretarial body that provides historical and procedural information to the E-10, then the member states could create a “Group of Friends of the E-10” to fulfill such an objective. The creation of such a body would provide a non-institutionalized “institution” that would impart in essence what a secretarial body would: institutional memory, continuity, and impartial advice in matters pertaining to the Security Council.

The Group of Friends of the E-10 could count on member states with substantial Security Council experience such as Argentina, Brazil, Colombia, Egypt, India, Pakistan, and Panama to provide educational and logistical support as well as guidance to make the E-10 members more cognizant of the Council’s inner workings. This in itself seems very feasible to accomplish, for most of these countries share similar political views on United Nations reform, and with the exception of Argentina and Brazil, all of the above mentioned countries are part of the Non-Aligned Movement (NAM) caucus. Additionally, if the efforts to include the G4 countries of

Brazil, Germany, India, and Japan in the Security Council do not materialize, it is conceivable that these regional powers, which have served a combined 58 terms in the Security Council, would also be interested in strengthening the E-10's Group of Friends.

Security Council E-10 Elections

Seven members in the Security Council that vote together as a group can effectively provide the "other veto," which is out of the hands of the P-5 and thus offsets the power of the P-5. The P-5 is aware of this, and actively focuses on preventing a group of seven from emerging in the Security Council by creating divisions within the E-10.¹⁶ The question is how can seven members of the E-10 resist the pressure by the P-5 once in the Council?

A main failure in the General Assembly and regional groups in electing the individual E-10 members is that they *elect individual Member States*, instead of a slate of seven that would work together to have a veto power and therefore rival the P-5's unquestioned authority. Therefore, by voting on a slate of potential E-10 members the General Assembly could rely on the candidate countries working together with sufficient conviction, confidence, and will to challenge the power of the P-5 in the horseshoe chamber.

Working Methods

Ambassador Colin Keating, the former Permanent Representative of New Zealand, stated that reform of the Security Council is needed not just on representational issues, but also on issues of secrecy, lack of transparency, and lack of input from member states.¹⁷

Making the workings of the Security Council more transparent and fostering open communication is essential to reforming this organ and erasing the divisions that have diminished its power as a whole. The Council needs to institutionalize the practice of its president "regularly briefing [Security Council] non-members and the press about private consultations,"¹⁸ thereby limiting the spread of rumors that offend the integrity of the United Nations. According to the former Permanent Representative of Bulgaria, Ambassador Slavi Pachovski, "It is humiliating for member states to wait for the Security Council member states' aides to inform missions regarding the debates inside the chambers."¹⁹ This could be avoided by having more open meetings, since the P-5 has been known for holding closed-door discussions, effectively shutting off the E-10 from its decision making process.²⁰

In order to assure success in the missions undertaken by the United Nations, the Security Council also needs to consult and exploit the abilities and specialties of such actors as regional organizations, troop contributing member states, Special Representatives of the Secretary-General, NGOs, and groups of member state friends. It would reap huge benefits from "strengthening the work of its expert panels and bringing them together into a united information-sharing process."²¹ Such an information-sharing process would assure specific and technical knowledge is available for informed decisions. Furthermore, by consulting the wider membership of the United Nations, the Security Council could ensure wider support for its

resolutions while minimizing the criticisms it receives for lack of transparency and accountability.

Even though these prescriptions fail to enlarge the Security Council or strip the veto from the P-5, they are more attainable in the long run and provide steps in the right direction towards Security Council reform that better serves the United Nations; a goal other models for reform have clearly failed to address.

Notable Expansion and Voting Proposals

When the topic of reform started to gain strength, many countries were eager to devise and propose plans for Security Council expansion that would include them, under the argument of better representation. Despite the logical call for a more representative Security Council, the hasty plans put forth failed to gain major support from countries that would not benefit directly, and were overly ambitious in asking for the P-5’s most prized possession: the veto.

Presently the Security Council does lack adequate global representation based on low and incongruent representational numbers from the General Assembly regional groups. The current regional groups, which nominate members for the E-10, are a hangover from the Cold War and correspond to an “odd” type of geographical representation. The Security Council thus would benefit from an expansion that focused on functional representation as well as geography. An ideal Security Council would eventually consist of twenty-five elected members without any seat permanence, divided among eight groups, with a qualified majority for voting procedures, and the veto used if any three groups worked together to oppose a resolution.²² A distribution of groups would likely produce the following representation:²³

Proposed Groups and Approximate Seats	
1. European Group	(2-3 seats)
2. North American Group	(1-2 seats)
3. Latin American Group	(3-5 seats)
4. African Group	(3-5 seats)
5. Asian and Pacific Group	(6-7 seats)
6. Arab States Group	(1-2 seats)
7. Landlocked States Group	(1 seat)
8. Small Island Developing States (SIDS) Group	(1 seat)

Such a grouping and seat proposal is a fair representation of the world's populace. Unfair veto practices would be a non-issue since the concept of qualified majority would be the norm, and if a veto were to take place it would have to be backed by three groups working together, thus adding legitimacy to the veto.

Other proposals call for the implementation of weighted voting in the United Nations. A proposed weighted vote for the General Assembly and the Security Council seems logical based on a member state's population and contribution to the United Nations budget.²⁴ Such a proposal would give more objective eligibility criteria for states wishing to partake in the decisions of the United Nations, and such criteria could in turn be modified for Security Council membership.

Security Council Reform Outlook

Reform of the Security Council has two main points: expansion and procedure; however, nothing can be done in one until there is agreement on both. The problem with Security Council reform is not a shortage of ideas, but the do-ability of those ideas. The great majority of reform proposals have focused on expansion instead of focusing on creating efficiency. The United Nations and the world need a Security Council that is capable of producing better output, greater peace and security, and increased efficiency; and those goals can be better met by reforming the council's working methods, instead of calling for the inclusion of other member states. Reforming the current working methods by implementing the previously mentioned policy prescriptions will lead to a Security Council that is more efficient, but not one that is more representative.

Additionally, many reform proposals call for the extension of the veto, and this careless demand for power under the name of "reform" was too much for the creators of the United Nations to consider. Nicolas Burns, the former U. S. Under Secretary of State for Political Affairs, summarized the position of the P-5 best when he said, "We want to preserve the veto, and we do not want to extend a veto to new permanent members."²⁵ The veto power held by the P-5 is necessary to preclude United Nations action against them. In keeping with this logic, the P-5 will do nothing to lessen their own power or to share their veto power with other member states.

The "head-on" tactics of reform in the form of expansion have and will prove fruitless if consensus is not reached, yet improving the working methods is not emphasized in reform proposals. Even if consensus is reached, proposals need to focus more on attainable solutions that are acceptable to the P-5, since Article 108 of the United Nations Charter stipulates any amendment to the charter must have their concurrent vote. Because current "chances for Security Council reform are zero,"²⁶ member states can only exert moral pressure to reform the old institutions in a new world. Essentially, the idea of Security Council reform is nice in principle, but in practice, it does not work.

Notes

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