Niklas Manhart

Circling the Square: The Quest for UN Security Council Reform

Seminar paper

Bibliographic information published by the German National Library:

The German National Library lists this publication in the National Bibliography; detailed bibliographic data are available on the Internet at http://dnb.dnb.de .

This book at GRIN:

https://www.grin.com/document/189002

Niklas Manhart

Circling the Square: The Quest for UN Security Council Reform

GRIN - Your knowledge has value

Since its foundation in 1998, GRIN has specialized in publishing academic texts by students, college teachers and other academics as e-book and printed book. The website www.grin.com is an ideal platform for presenting term papers, final papers, scientific essays, dissertations and specialist books.

Visit us on the internet:

http://www.grin.com/

http://www.facebook.com/grincom

http://www.twitter.com/grin_com

Circling the Square: The Quest for UN Security Council Reform

1. Introduction: The Show must go on

In the realm of international politics, few debates have become as tedious as the quest for United Nations (UN) Security Council reform. While there is consensus that the UN's main decision-making body is in dire need of institutional overhaul, many states are afraid of losing out in the race for reform. The instalment of an open-ended working group in 1993, the work of which has been called as "long-running a show in New York as any musical on Broadway" (Laurenti, 73), has not brought about significant progress, only a myriad of different reform proposals. In the last months, however, new light sparked at the end of the long reform tunnel.

In the wake of the recent financial crises, there is renewed interest in strengthening the legitimacy of the only body with the ability to solve international disputes. According to John Sawers, British Ambassador to the UN, "the current climate of economic instability has highlighted the need for strong, representative and effective international organizations". But

although "the need for change is great", prospects of success for the new round of negotiations, which will start on 3 March 2009 and is projected to stretch well into the next year, remain overshadowed by old preoccupations. Sawers cautions that "we have to ensure that this council remains capable of taking the effective action necessary to confront today's security challenges". Susan Rice, Ambassador of the United States, holds a similar view, claiming that the Obama administration only supports Council expansion "in a way that will not diminish its effectiveness or its efficiency" (all quotes here: International Herald Tribune, 20.02.2009).

This dichotomy between legitimacy and efficiency, which lies at the core of every debate about Security Council reform, will be addressed throughout this essay. Firstly, an overview of the Council's role and functions and its decision history is presented. Secondly, the criticism geared toward the Council, previous attempts of reform and reform models at stake are discussed. Finally, I argue that for the sake of efficiency the addition of new permanent members and a change of veto regulations are red lines which cannot be crossed, and that, instead, the addition of six non-permanent members might be the least common denominator.

2. The Security Council of the UN

2.1 Structure and Role

The Security Council is an instrument of collective security. It poses a threat to any country which breaches Charter provisions. But as reaching agreement among all 192 members of the GA would be an impossible task, a select group of UN members is in charge of global security. The Charter of the UN confers on the Council "primary responsibility for the maintenance of international peace and security" (UN Charter, Article 24). This right includes instituting economic sanctions, dispatching peacekeeping forces or taking military action against an aggressor. According to Thomas G. Weiss, "this arrangement was designed to contrast with the Council of the League of Nations, a general executive committee for all of

the organization's functions that failed miserably in the security arena because it required agreement from all states" (148).

Since 1965, the Council has 15 seats. The five permanent members (the P-5: the US, Russia, China, the UK and France) are joined by ten non-permanent members from all regions of the world which are elected for two-year seats, five of which change every year. The selection for service on the Council is not random. Members must be nominated by a regional caucus and then approved by the GA with a two-thirds vote. To this end, the Charter sets out two criteria in Article 23: "contribution" to the maintenance of peace and "equitable geographical distribution". In practice, regional powers are elected more frequently than minor states (Kuziemko and Werker, 909). From 1946 to 2001, Japan and Brazil have served for 16 years in the Council whereas Thailand and Bolivia, for instance, were elected to the Council only for two and four years respectively (Kuziemko and Werker, Appendix Table A1). Additionally, any UN member state which feels its national interests to be concerned by the Council agenda can join the meetings as a spectator. For the Council to agree on a decision, nine affirmative votes are required. Not all votes, however, have the same weight. Members of the P-5 enjoy the power to deny that a breach of the Charter has occurred, and can therefore overrule the views of the other 14 Council members (Imber, 330).

Its main function is to legitimize the actions of the international community not only on state level, but also domestically. Chapman and Reiter have analysed the effect of Council approval on public opinion in the US. Their finding is that there is a strong correlation between presidential popularity ratings and Council support, because „the approval of all these major states, including two nonallies, is a very strong signal that the proposed use of force is justified as a necessary action to address a direct threat" (891). But Western states are not unique in valuing Council decisions. In order to defend the Russian attack against Georgia in August 2008, Russian Foreign Affairs Minister Sergei Lawrow claimed that his country "had been working to secure a Council statement hours before the Georgian invasion" (Financial

Times, 16.08.2008). It seems as if the Council must rely primarily on its legitimizing function. This is the case, Ian Hurd argues, because the body lacks coercive or financial resources (201). One can therefore see why it is the Council's most vital concern to ensure that its legitimacy be always preserved. Problems arise when this interest clashes with the Council's need to make effective and timely decisions.

2.2 Decision History

Before looking at the issue of reform in detail, it is useful to analyse the Council's performance in the past based on its decision history. As of 2 January 2009, 1860 resolutions have been passed (Der Standard, 02.01.2009), some of which were more controversial than others. In 1950, the Soviet Union boycotted the Council over the exclusion of Mao's PRC. In consequence, the Soviet Union could not prevent a Resolution being passed against its ally North Korea. Ever since that period, no member has missed a single meeting. Nevertheless, the Council was consequently plagued by the ideological divisions of the Cold War between 1950 and 1990 (Imber, 330), some exceptions notwithstanding, such as Resolution 242, which in 1967 famously called for Israeli withdrawal. No action, for instance, was taken during the Vietnam War. In total, there were 193 important vetoes from 1945 to 1990, as opposed to 12 from 1990 to 2003 (Chapman and Reiter 904).

This hiatus ended only with the collapse of the Soviet Union. From 1990 on, starting with Resolution 678 against Saddam Hussein, the Council showed remarkable activity. The average number of resolutions adopted yearly increased from 15 to more than 60 (Chapman and Reiter, 904). This promising development, however, abruptly ended with a series of horrific events in the mid-1990s. After the UN famously failed to prevent genocide in Rwanda and Srebrenica, a lot of criticism was raised as to the selectivity of Council decision. In 1999, some Western states expressively avoided the Council for authorization in order to intervene against Serbia in Kosovo, in advance knowledge of imminent Russian and Chinese vetoes (Imber, 331). Different readings were proposed of this circumvention of the UN in favour of

NATO. While Europeans saw it as a one-shot decision, Washington "celebrated the decision as a momentous step forward in weaning Europeans away from their fixation on Charter legalisms" (Laurenti, 69). Further contention over the Council's role was then sparked by the Iraq war in 2003. After not succeeding in gaining Council approval despite repeated efforts, George W. Bush decided to bypass the UN and attack Iraq with a "coalition of the willing", even though the majority of the American public still believed that UN authorization was required for an invasion even less than a month before the start of the war (Chapman and Reiter, 894). For advocates of Council, this was the last straw.

3. Reform of the Security Council

3.1 Criticism

As the previous section has shown, the Council never seized the opportunity that the breakdown of the Soviet Union constituted, at no time living up to the role envisaged in the Charter. More and more countries lost faith in its benign effect on international peace. This was mainly blamed on structural problems such as its membership and its decision-making procedures, which still reproduce the power politics of the post-World War II era. In the words of Mark Imber's vivid recount, "one great liberal, one sentimental imperialist, one murderous dictator, an exile and a losing civil-war faction crafted the text" (329). Not only did these five powers provide themselves with veto power, they also made sure that their consent is necessary for Charter amendment in addition to the required two-thirds majority in the GA. It is hardly surprising that the Council has shown extraordinary institutional persistency in the last sixty years.

The global political map, however, has changed since 1945. With the West still holding three of five P-5 seats, there is a regional imbalance with a predominance of the North over the South. Again, this goes back to the post-WWII situation. Originally, only six countries from Africa and Asia were UN members. Two decades later, already more than half of the

UN's membership were from these two continents (Weiss, 149). James Traub, Director of the Center for the Responsibility to Protect, fears that „third-world bitterness at the West's outsize influence" could block any future Western initiative (International Herald Tribune, 04.01.2009). He argues that if US president Obama wants to "work through institutions, as opposed to 'coalitions of the willing'" in the future, he will "have to choose between reforming those institutions and watching them decline into irrelevance". In his assessment, Ian Hurd strikes a similar tone, warning that "the Council's legitimacy is in peril unless the body can be reformed to account for recent changes in world politics" (199). He gives three reasons for his claim: geopolitical changes (in the distribution of military and economic power), systemic changes after decolonization (which multiplied the number of UN members), and normative changes (in the value given to diversity, equity, and representation) (Ibid.). But several leading regional powers, such as Germany and Japan, are also excluded from permanent member status, despite their large financial contribution to the UN budget.

Although Hurd deliberatively overlooks the issue of veto in his account, claiming that membership plays a greater role, the concept of veto-power nevertheless remains heatedly debated. Questions are raised as to the justification of individual members blocking collective UN decision-making Some critics regard it as inappropriate in a post-Cold War era (Imber, 328), because "the institution of the veto has an anachronistic character that is unsuitable for the institution in an increasingly democratic age " (High Level Panel Report, 68).

3.2 Reform history

A look at the Council's reform history "conveys the slim prospects for meaningful change" (Weiss, 148). Ever since its inception, few changes were implemented. After the 1965 enlargement, 16 years had to pass before Council reform was put back on the table, this time initiated by India. But the attempt failed because Cold War rivalries blocked any agreement. Further reform plans were stalled until the early 1990s, when a number of developing states alongside Germany and Japan pressed to adjust the Council to new world realities

(Bourantonis and Magliveras, 24). The UN responded by establishing an "Open-Ended Working Group on the Question of Equitable Representation and Increase in the Membership of the Security Council" in December 1993, which promptly suggested that "an increase in the permanent membership would strengthen the United Nations and increase its legitimacy through bringing the organization closer to present-day global realities" (Working Group Report, 1995).

In 1997, the open-ended Working Group was still living up to its name. The then president of the GA, Malayan Ambassador Razali, attempted to break this deadlock with a reform plan. His proposal foresaw the inclusion of five new permanent members, two from industrialised world and three from developing countries, as well as four additional non-permanent members. Allegedly, Razali was having Germany and Japan in mind (Bourantonis and Magliveras, 25). In addition, Razali wanted to caution the P-5 about their use of the veto-power. Decisions would have required 15 out of 24 votes. But as realistic as this plan was, the reactions were mixed. Western powers regarded it as a successful compromise between conflicting view, whereas a number of developing states alongside Italy opposed it openly. While Italy's recalcitrance can be explained easily with apprehension over a gain in power by its Northern neighbour, Germany, the 'No' of the developing states needs explanation. As Bourantonis and Magliveras argue there was great disaccord over the selection of the new permanent members (27). This was aggravated by regional animosities between countries such as Brazil and Argentina or India and Pakistan. In the end, nothing came of the Razali proposal.

Six years later, Council reform gained new momentum. After the circumvention of the UN by the Bush administration in 2003, a High Level Panel of the Secretary General was created. Its finding, proposed in December 2004, agreed with academic criticism in saying that "the effectiveness of the global collective security system [...] depends ultimately not only on the legality of decisions but on common perceptions of their legitimacy" (High Level Panel

Report, 57). The body's "anachronistic structure of membership" was rightly blamed for "diminishing support for Security Council decisions" (66). But the report also showed the difficulty of conciliating such contradicting goals as "greater involvement by those who contribute most", "making it more representative of the developing world" and simultaneously "not impairing its effectiveness" as well as "increasing the accountable and democratic nature of the body" (Laurenti, 74). Not surprisingly, this attempt to circle the square was not successful. Neither of the Panel's two reform models (as discussed in the next section) were implemented.

UN Secretary General Kofi Annan, however, kept on pressing hard for an agreement at the September 2005 World Summit. As it is often the case with the UN, this negotiating deadline was doomed (Imber, 333). No agreement could be reached. Instead, additional reform models were put forward by the G-4 (Brazil, Germany, India, Japan), the African Union and a group of states called "Uniting for Consensus". But consensus was nowhere in sight, and the reform talks were postponed once again.

3.3 Reform proposals

Over the years, a variety of reform proposals has emerged. It seems that "nothing brings out the repressed interior designer in the hearts of diplomats as much as discussion of rearranging the furniture in the Security Council chamber" (Laurenti, 73). In the following, the more prominent proposals currently floating around will be presented (all information, unless otherwise stated, taken from http://www.reformtheun.org).

3.3.1 A more secure World

The report by the High Panel, dubbed *A more secure World*, envisaged two reform models which shadowed the claims of the G-4 major and G-11 minor powers respectively. *Model A* suggests six additional permanent seats, two for Africa, two for the Asia/Pacific region, and one each for Latin America and Europe, with a further three non-permanent seats. *Model B*

proposes to add eight non-permanent seats with a four-year term, each renewable, and just one additional two-year seat. Both models would enlarge the Council to 24 seats without touching upon the issue of veto. The problem with Model A is the issue of selecting the permanent members, and it is doubtful that this can ever be solved consensually. In comparison, Model B enjoys a better outlook. It remains to be seen, however, if this rather modest reform suffices for advocates of radical change.

3.3.2 The G-4 Model

The proposal of the G-4 (Brazil, Germany, India, and Japan) resembles Model A. It also calls for six new permanent seats, one for each of the G-4 countries as well as two seats for Africa and 4 new non-permanent seats; Council membership would be expanded to 25 and veto rights reserved for the P-5, at least until a comprehensive review of the Council 15 years hence. Prospects for this proposal to be accepted in its entirety, however, are rather bleak. Regional animosities have certainly not diminished since the rejection of the Razali report. Also, P-5 member China is pressing hard against membership plans for rival Japan. The developing states made the general case that this proposal would merely perpetuate existing undemocratic structures, as "it had been a mistake to create a category of permanent and unaccountable membership in the first place" (Zifcak, 141).

3.3.3 Uniting for Consensus

Regional rivals of the G-4 countries, such as Argentina, Italy and South Korea, proposed yet another model, under the *Uniting for Consensus* moniker, at the 2005 Summit. They call for ten new non-permanent members chosen on a rotating basis by regional groups as well as restraining the use of veto by the P-5. Hence, it is claimed, no need would arise to choose among regional rivals for a permanent slot. Also, there would be the advantage of allowing some of the UN's more important contributors to serve on the Council more often than its smallest states (Le Monde, 09.08.2005). While the latter works in favour of this proposal, it is still unlikely that the P-5 would accept cutbacks on their veto-power. This model also met

fierce resistance by the G-4. The proposal, it was argued, would "entrench permanent second class status for existing and emergent powers, and in particular for the G-4, thus failing to reflect geopolitical realities" (Zifcak, 140).

3.3.4 African Union Proposal

As opposed to other reform models, the African Union (AU) demands veto-power given to six new permanent members, two of which shall be selected from Africa and Asia and one from Western Europe and Latin America. Five new non-permanent seats are also to be added, including two more for Africa. The probability of success of this proposition is rather small. African states certainly are underrepresented in the Council, but their claim for six new veto-powers seems adventurous. At the 2005 Summit, this proposal was treated kindly, because AU support is necessary to obtain a majority in the GA. But its claim was also undermined by the argument that there is no consensus within the African candidacy with South Africa, Nigeria and Egypt, Senegal and Kenya all pressing their claims (Zifcak, 140).

3.3.5 Single European Seat

The idea of a single European seat was first proposed by Italy in 1990 and reiterated in 1999 by Javier Solana, the EU's foreign policy chief. Bourantonis and Magliveras find a number of problems with this idea (28). First, no organisation may at present become UN member without profound Charter revision. Secondly, the EU would be required to reach consensus in accordance with its Common Foreign and Security Policy. Thirdly, as Britain and France "regard their permanent seats as the last bastion of their once mighty empires", they are unlikely to give them up. Fourthly, the other UN states will probably not acquiesce to such a significant upgrade of the EU's power in world politics (29). Agreement on this idea is therefore improbable.

3.3.6 Merger with G-8

In the light of the current financial crisis, French economist Jacques Attali highlights the necessity of effective global economic governance (Wall Street Journal, 12.02.2009). His proposal envisions merging the G-8 with the Council, additionally allowing chief Southern powers, such as India, Brazil or Nigeria, to "join in". Thus, he claims, the Council could protect the international financial institutions, set up global financial regulation and organize the revival of the production of public goods world-wide. In my view this model, as well received as it might be in these troubled days, fails to address the security challenges inherent in the reform debate. Economic governance is certainly an important aspect of global stability, but reducing the Council to an instrument of financial regulation would mean failing most of the Charter's provisions.

3.3.7 Deliberation Rights without Membership

In his study of the Council's legitimacy, Ian Hurd finds that deliberation rights can have a „psychological effect" independent of any effect on outcomes (208). He argues that deliberation might lead to higher rates of compliance regardless of whether it affects the substance of decisions. Translated into the issue of Council reform, Hurd concludes that wider participation rights could improve legitimacy ratings without institutional overhaul, because "membership is a scarce good, while deliberation is in principle available to all" (210). But it is questionable if rising powers like India or key contributors like Japan would be satisfied with mere deliberation rights. After 60 years of exclusion, they want a fair share of the cake.

4. Conclusion: What is the best Reform Model?

As the previous section has shown, any reform model has as many opponents as it has advocates. Trying to accommodate all the interests at stake resembles the choice between Scylla and Charybdis, or - in the case of Council reform - between unfair exclusion and decisional deadlock. A broad expansion of the Council's permanent and non-permanent

membership would create a "top-heavy and cumbersome body, which would have great difficulty in acting swiftly" (Bourantonis and Magliveras, 29), thereby sacrificing the principle of effectiveness. As one critic put it, the only action the UN would then be taking would be *Sitzkrieg* (*sitzen* means 'to sit', David C. Hendrickson in: Weiss, 151). Excessive enlargement could, in fact, be counterproductive for the developing states. Instead of higher accountability, there would be greater incentives for the major actors to "bypass the system altogether" (71). Other critics believe that expansion would only render the Council a bit more representative, whereas real change could only be brought about by touching the veto (Pedrazzi, 184). But the US has made it unambiguously clear that it will accept no revision of the veto concept (Laurenti, 76).

So is there a 'best reform model'? Realistically, a few red lines cannot be crossed. This means that veto reform or the addition of new permanent members, as justified as they might be from a normative perspective, are not on the table. Instead, a reform in the vein of Model B deserves renewed consideration, although with a reduction to two-year terms and the addition of not more than six new non-permanent members, with a preference given to regions which at present are not sufficiently represented in the Council.

As a least common denominator, this might sound unappealing to advocates of more ambitious reform, but in my view it is the only kind of model that has a chance of gaining the approval of 127 members in the GA as well as of the P-5. Also, the idea of a single European seat, preferably on a rotating basis, must be considered. The influence of Britain and especially France is simply anachronistic in our present days. But if and how the current negotiations will tackle these issues remains to be seen. Chances are that we will witness another fifteen years of reform talks.

Bibliography

Bourantonis, Dimitris, and **Magliveras**, Konstantinos, "The Enlargement of the UN Security Council: Reflections from the Current Debate", *Politics*, 2002, 22:1, 24-30.

Chapman, Terrence L., and **Reiter**, Dan, "The United Nations Security Council and the Rally 'Round the Flag Effect", *The Journal of Conflict Resolution*, 2004, 48:6, 886-909.

Hurd, Ian, "Myths of Membership: The Politics of Legitimation in UN Security Council Reform", *Global Governance*, 2008, 14, 199-217.

Imber, Mark, "The Reform of the UN Security Council", *International Relations*, 2006, 20, 328-334.

Kuziemko, Ilyana, and **Werker**, Eric, "How Much Is a Seat on the Security Council Worth? Foreign Aid and Bribery at the United Nations", *Journal of Political Economy*, 2006, 114:5, 905-930.

Laurenti, Jeffrey, "What 'Reinforcement' for the Security Council?", *The European Union and the United Nations: Partners in Effective Multilateralism* (Institute for Security Studies), 2005, 69-81.

Pedrazzi, Marco, "Italy, the USA and the reform of the UN Security Council", *Journal of Southern Europe and the Balkans*, 2007, 9:2, 183-196.

Weiss, Thomas G. "The Illusion of UN Security Council Reform", *The Washington Quarterly*, 2003, 26:4, 147-161.

Zifcak, Spencer M.,"United Nations reform: Heading North or South?", *Global Change, Peace & Security*, 2006, 18:3, 135-152.

YOUR KNOWLEDGE HAS VALUE