

# Reform of the United Nations Security Council

Communitarianism versus Cosmopolitanism

# Abstract

The purpose of this paper is to analyze the theoretical perspective of *the UN High-Level Panel on Threats, Challenge and Change* on reform of the United Nations Security Council (UNSC). This is done by studying two contrasting theories and applying them to the case of UNSC reform. Both perspectives presume the universal norm of democracy. The common ground is noticed in the similarities between the reform proposals of the two theories. However their different emphasis on the dual subject status of democracy (communitarianism: states and cosmopolitanism: individuals) makes it possible to tell their reform proposals apart. The communitarian approach suggests the enlargement of the UNSC by small and diverse states. The cosmopolitan theory conversely supports an expansion by the demographically largest states. The result of this paper deduces that the UNSC reform proposals of the report by *the UN High-Level Panel* appear to lean somewhat more towards the cosmopolitan theory.

*Key words:* United Nations Security Council, reform proposals, legitimacy, communitarianism, cosmopolitanism

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# 1 Introduction

The United Nations Security Council is the organ that is to act on behalf of all UN member states and whose decisions are binding for the members (UN Charter Articles 24.1 and 25 – See Appendix 1). I developed an interest for the question of the legitimacy of the UN Security Council when I interned at the UN Headquarters in New York last summer. In the UNHQ I attended a Security Council session and an informal meeting concerning how the Security Council can remain a legitimate international actor. The issue is once again under inquiry in the UN Secretariat: a report by *the UN High-Level Panel on Threats, Challenge and Change*, which partly deals with reform proposals of the Security Council, was submitted in December 2004. The findings of the report on Security Council reform are studied in this paper. The topic is also deliberated in the member states, e.g., the prime minister of Sweden highlighted the need for a reform in his statement in the general debate of the 59<sup>th</sup> regular session of the UN General Assembly in September 2004. Naturally academics in the field of international politics discuss the matter of modification of the Security Council as well.

This paper analyzes the lines of thought within the theories of communitarianism and cosmopolitanism. The theoretical perspective of Security Council reform proposals is significant. Although the theory is present, implicitly or explicitly, when discussing reform proposals of the Security Council, it is not elucidated in the debate. Therefore it can be interesting to try to figure out the underlying theoretical standpoint of *the UN High-Level Panel's* findings.

The reform debate touches upon the paradox of the UN claiming to be representative of its member states (and advocating values such as democracy and equal rights for all) while its main organ, the Security Council, is criticized for being illegitimate, undemocratic and not indicating the geographical representation of the membership.

If the Security Council would be created all over again it would probably not have the same composition as today. The only criterion that might be applicable to all of the five permanent members is the military dominance. The principle of economic power and electoral, territorial and geographical representation would not be valid for France and the United Kingdom. Furthermore the right of veto would probably not exist (Falk in Archibugi, Held & Köhler 1998:310; Weiss 2003:151).

## 1.1 History

When the UN was founded the Security Council consisted of eleven member states, five permanent (P-5) and six rotating members elected by the General Assembly for a term of two years on the basis of “equitable geographical distribution”. In 1965 the first and only substantial reform of the Security Council was carried out: four non-permanent members were added to the Security Council. (Weiss 2003:147; Bourantonis & Magliveras 2002:26) From the start of the organization the great powers after the Second World War (the United States, the United Kingdom, France, the Soviet Union and China) received permanent seats and the power of veto in the Security Council. The veto might have been a precondition for the great powers to go in for the UN. States that disagreed with the special treatment of the P-5 mistakenly presumed that there would be a conference to review the shape of the Security Council soon after its implementation. This did not happen because of resistance from the P-5. (Weiss 2003:148) The member states of the UN were 51 in 1945 and have increased radically over the years, e.g., of countries from Africa and Asia after the process of decolonization. Today the membership is nearly universal with 191 member states. Despite many proposals and efforts to reform (e.g. in the 1990s with open-ended informal working groups of the General Assembly), still no amendment resolution of the composition of the Security Council has been approved since 1965. (Weiss 2003:149; Baylis & Smith 2001:332)

## 1.2 Theory and Questions

This paper is a deductive study concentrating on two different theories within “the English school” of international politics. (Landman 2003:15) The reform proposals of the Security Council by *the UN High-Level Panel* will be examined after criteria for evaluation have been established. The criteria will be based on what the theories of communitarianism and cosmopolitanism state in the matter.

The chosen perspective within the communitarian theory is represented by Michael Walzer and Charles Taylor. David Held and Daniele Archibugi are two known advocates of the cosmopolitan theory. Having selected a certain line of thought within each theory I am aware that there might be other proponents of the same theories not agreeing with the necessity of reform, or with the reform proposals here presented by the different theories. The chosen representatives deal with normative and philosophical theory within political science. For this reason the theoretical perspectives can be applied on the case of reformation of the Security Council, i.e. the question of democracy at the global level. Possible Security Council reform proposals of these two groups of proponents will be constructed in the first part of the paper and applied in the second part (on the report of *the UN High-Level Panel*). The dividing line between the two theories will start off from their different focus concerning subjects of democracy.

When discussing reform of the Security Council three main concepts will be mentioned: representation, democracy and legitimacy. In the context of the UN legitimate means “consistent with the UN Charter”. Democracy at the global level might differ from national democratic politics. The theories call attention to different parts of the UN Charter. Communitarianism emphasizes the equality among all states as the basis for democracy at the international political arena while cosmopolitanism favours majority rule and equality of the citizens. Representation can be divided in geographical (e.g. continent), territorial (e.g. area of a state) and electoral (e.g. population of a state). Both theories would stress the importance of equal geographical distribution (UN Charter 23.1). Communitarianism might highlight it even more though and would support territorial before electoral representation contrary to cosmopolitanism.

The analytical problem in the first section of the paper (chapters 2, 3 and 4) can be seen as a “pre-study”:

\* What are the proposals of communitarianism and cosmopolitanism on how to reform the UN Security Council to become legitimate, democratic and representative?

The main question of the paper is:

\* Which is the theoretical perspective of *the UN High-Level Panel on Threats, Challenge and Change* on Security Council reform?

## 1.3 Method and Material

The paper is divided into two main parts. The first section of the paper will present the contrasting theories. It will elaborate on the theories' potential view on how to reform the Security Council in order for it to be legitimate, democratic and representative. The second part will examine the reform proposals of *the UN High-Level Panel's* report on the issue and apply the theories dealt with in the first part on the ideas of the report. (Esaiasson et.al. 2003:40, 97) The method is qualitative and the analysis integrated continually in all chapters of the paper. (Landman 2003:19)

This paper will indirectly be an empirical study on how the Security Council is working today, a normative indication on how it should be functioning and a constructive perspective on how it can be changed to a more relevant organ in today's world politics. (Landman 2003:15)

The material has been strategically decided on with respect to quantity and quality. I have employed different sources to get second-opinions on facts drawn on in the paper. Empirical literature, e.g. information about the function and history of the UN Security Council, has been found in analytical articles and the course book of international politics by John Baylis and Steve Smith. For the process of the paper I have resorted to two textbooks in methodology.

I have chosen two representatives from each strand of theory to make sure the arguments are well substantiated. The lines of thought of the theories have been found in the direct work of the proponents (Walzer, Taylor, Archibugi and Held). Articles have been searched in ELIN (database of articles) as well as located in anthologies. Possible reform proposals by the respective theory had to be "constructed" by analyzing the theory since the theoretical literature did not hold this information.

The majority of the material used in the paper consists of secondary sources. The primary sources utilized are the UN Charter Chapter V (Appendix 1) and the report by *the UN High-Level Panel*. The publications have been downloaded from the UN website. Information about *the High-Level Panel* and its report has been gathered from press releases of the homepage of UN News and from the website about UN global security issues.

## 2 The theories: two subjects of democracy

The two coming chapters will analyze the chosen lines of thought within the theories followed by potential Security Council reform proposals of each theory. Charles Taylor and Michael Walzer will represent the communitarian theory and Daniele Archibugi and David Held will stand for the cosmopolitan approach.

The theories equally assume that democracy is a universal norm of governance. Governance at the international level affects two subjects: states and individuals. According to democratic theory they are both subjects of democracy with rights and duties under the UN Charter. This implies that two sets of interests have to be considered in decision-making. (Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:290-291) However the UN simply considers states as legal subjects; only recognized states can enter into the treaty (Baylis & Smith 2001:332).

The dual subject status is significant when comparing the two theories, communitarianism and cosmopolitanism, as they each stress different subjects of democracy. Cosmopolitan theory regards individuals as the subjects of democracy and therefore would apply the principle of “one person, one vote”. The communitarian approach conceives of states/communities as the main subjects, and consequently the rule of “one state, one vote” becomes central. Hence the debate between the two theories can be seen as one between electoral and territorial representation. (Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:291) The Security Council can be seen as undemocratic both regarding electoral and territorial representation. The chosen perspectives of the communitarian and cosmopolitan theory find reform proposals of the Security Council necessary.



### 3 The communitarian theory

The representatives of communitarianism, Charles Taylor and Michael Walzer, focus on the right of states or communities. Walzer's and Taylor's line of thought asserts that democracy is universally valid, contrary to some advocates within communitarianism who find universal rights impossible to achieve (Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:300-301; Frohnen 1996:151-152). Some communitarians might accept the right to member seats of undemocratic states in the Security Council (since no foreign state can declare its values upon another state). They do not believe in international democracy and point to the fact that democracy is easier the smaller and more homogenous the society (Archibugi in Archibugi, Held & Köhler 1998:206-207; Walzer 1980:226). Even if Walzer supports the democratic system he holds a perspective closer to relativism than universalism (and therefore collective rights before individual rights) in some of his works. According to Walzer rights can only be universal temporarily and minimalism is almost always a part of maximalism. He argues that values cannot be separated from their historical, cultural, religious and political contexts and acknowledges individual's identification with their communities and political institutions. (Walzer 1994; Bellamy & Castiglione in Archibugi, Held & Köhler 1998:163-164)

Communitarianism sees individuals as highly attached to their societies. Individuals are born into several kinds of groups and social unions in a state. (Taylor in Rosenblum 1989:164; Frohnen 1996:158; Walzer 1990:15) People's identity is formed in the community, which also is important for patriotism/nationalism and how we perceive each other internationally. (Taylor 1993:52, 173; Taylor in Rosenblum 1989:166, 170) Communitarians accept states as legal subjects of democracy because the community is represented by the state in the UN. (Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:301) In the state the communities can realize their role. Communitarianism regards the rights of states as derived from the rights of communities. Consequently it does not give states unique features in the way that, e.g., the theory of realism does. (Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:302; Walzer 1980:210, 227) The communitarian approach wants to protect and preserve particular communities and states. (Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:302) At the global level the collective bondedness between states, that communitarians rate highly, might be lost. That is why there need to be a set of international laws to achieve wide consensus and protect states in minority. (Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:294; Walzer 1980:226; Taylor 1993:176)

### 3.1 Security Council reform proposals of the communitarian theory

The communitarian approach emphasizes the rights of all states (i.e. the principle of “one state, one vote”). Article 2 of the UN Charter - the sovereign equity of all member states - is underlined. Member states should be equal states irrespective of their population, land size, economic or military power (Taylor 1993:177-178; Weiss 2003:149; Archibugi in Archibugi, Held & Köhler 1998:207; Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:294). The communitarian theory might promote the entry of smaller states (demographically or territorially) into the Security Council and could advise that states with different point of views and from different parts of the world will be represented in the Security Council, e.g., “minor” developing countries.

Communitarianism values the preservation of diverse states and communities (Archibugi in Archibugi, Held & Köhler 1998:221; Archibugi in Archibugi and Held 1995:154; Held 1995:279). For this reason better regional representation from Africa, Middle East, and South Asia would be welcomed. Since the communitarian theory favour communities the addition of regional organizations such as the European Union, the African Union, the Organization of American States and the Arab League to the Security Council might be a proposal to improve the political regional representation. This change would however involve a considerable change of the Charter, which for the moment only admits states and not international organizations in the UN (Bourantonis & Magliveras 2002:28).

According to communitarianism the power of veto in the Security Council deviates from the equality between states and must be abolished in order for the Security Council to receive democratic legitimacy. The veto leads to an oligarchic structure among member states. Reform proposals suggesting that the power of veto is extended to more or new states would only change the order in the oligarchy and contradict democratic reform of the Security Council. The same result applies to an expansion of permanent members in the Security Council. (See Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:295)

Strengthening other bodies vis-à-vis the Security Council such as the General Assembly and the International Court of Justice is another reform alternative. The goal of the communitarian approach would be to make the Security Council accountable by creating an institutionalized control system. A way to do this is to revitalize the General Assembly. In the General Assembly the communitarian principle is present in the sense that each state has one vote no matter of its size: equal territorial representation (Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:303). As it is now stated in the Charter each body “interprets its own competence” meaning that, e.g., the International Court of Justice does not

have the right to officially check the work of the Security Council (Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:296).

## 4 The cosmopolitan theory

The cosmopolitan perspective that will be presented by David Held and Daniele Archibugi, argues that individuals are the primary subjects of democracy at the international level. The word “cosmopolitan”, here resembling “transnational”, captures the twofold significance of citizenship both to a state and to the world (Archibugi in Archibugi, Held & Köhler 1998:216). The aspiration of the cosmopolitan democracy model is that world citizens would get ahead of states as subjects of international law. (Ibid:223) The basis for democracy at the international political arena will be majority rule and equality of the citizens (rule of law). (Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:292)

Cosmopolitans argue that democratic governance at the international level is developing but still is imperfect because of its traditional connection to the state (Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:293). However the state is not the only holder of democracy anymore. Cosmopolitans imply that the state sovereignty/the logic of Westphalia is diminishing. (Ibid:288; Held 1995:83)

The communitarian thinking of Walzer and Taylor can be related to cosmopolitan theory in that it takes individuals as the underlying point of departure. The rights of states are derived from individuals’ rights. Cosmopolitans, who support a “thin”/universal form of morality, bestow individuals’ allegiances with their communities less significance than communitarianism. Cosmopolitanism argues that social relationships are voluntary while the communitarian theory finds them to be predefined (Walzer 1990: 21; Walzer 1980:228; Taylor 1993:178).

Procedural liberal political theory has similar characteristics to cosmopolitanism and observes individuals separated from the community. According to liberalism the only thing that connects people, who are strangers to each other, is self-interest and necessity (Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:300; Walzer 1990:8; Taylor 1993:109; Taylor in Rosenblum 1989:165, 172).

## 4.1 Security Council reform proposals of the cosmopolitan theory

The reform proposals of the Security Council by the cosmopolitan approach will not, in spite of what is stated earlier, be to switch states with individuals. This is not realistic in the UN of today. The proposals of cosmopolitanism rather wish to emphasize the preamble of the UN Charter stating “the peoples of the UN”. The cosmopolitan approach suggests that the UN should be accountable to the states’ populations (next to their governments). The individuals should be given a voice in the international organization according to cosmopolitan democracy (See Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:291, 297).

The cosmopolitan perspective represents a participatory democracy (more than, e.g., liberal representative democracy). (Held 1995:285; Archibugi in Archibugi, Held & Köhler 1998:221) Cosmopolitanism would suggest a consultative vote in the Security Council to representatives from civil society. Another proposition to reform the Security Council might be to create a second parliamentary assembly (model European Parliament) composed of national representatives from different areas of the society. The number of members from each state would be in proportion to the inhabitants (with protection of the smallest states) and the actors would be held answerable to their electorates. Hereby increased representation would be given to the people (See Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:297; Held 1995:273-274).

A problem with the cosmopolitan plan is that it assumes that all member states are democratic. Democratization of the international organization and its organs implies democratization of individual states in the cosmopolitan model (Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:304). The suggestion is therefore dependent of some type of legal coercive power and procedure for security reasons. (See Held 1995:276, 279)

The cosmopolitan model of democracy would recommend the limitation (and ultimately abolition) of the veto, as this power is undemocratic. (See Archibugi in Archibugi, Held & Köhler 1998:221) Permanent members might be seen as against democratic principles just like the power of veto. Cosmopolitanism would probably accept an expansion of the Security Council with rotating members (like communitarianism). The General Assembly elects non-permanent members and therefore it should be possible to evaluate how they have performed in the Security Council.

The vote of each state should be in line with the population size according to the principle of “one individual, one vote” (Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:298). The cosmopolitan view would suggest that the demographically largest states in the world should be represented in the

Security Council, such as Brazil and India. The electoral principle in its strict sense would exclude smaller states from the seats of the Security Council. Therefore cosmopolitan theory does not interpret the principle strictly; it employs safeguards for the populations of small states (Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:303). Cosmopolitanism would still give the developing countries, whose populations and military power have increased enormously, a significant executive influence in the Security Council (See Archibugi in Archibugi and Held 1995:151; Held 1995:279).

# 5 The report of the UN High-Level Panel on Threats, Challenge and Change

On the 2nd of December 2004 a panel of sixteen eminent persons (former heads of State, foreign ministers, security, military, diplomatic and development officials - See Appendix 2) submitted the report “A more secure world: Our shared responsibility”. The report contains 101 recommendations to reform the United Nations. Secretary-General Mr. Kofi Annan established the Commission in November 2003 and instructed it to, among other things, review the principal organs of the UN (See Appendix 3). The Secretary-General will present his own suggestions on the basis of the 95-page report in March 2005. (UN-globalsecurity 2004; UN News December 2004)

Part four Section fourteen of the report discusses the reform of the Security Council. According to the Commission the Security Council needs to become credible, legitimate (i.e. in conformity with the Charter) and more representative of the international community as a whole, as well as of the geopolitical realities. (Report 2004: 77) The criticism is hard and extensive but the concrete proposal on Security Council reform (in fact two alternatives) does not reflect all the dissatisfaction stated in the report.

## 5.1 The theoretical perspective of the High-Level Panel on Security Council reform

*The Panel* suggests that the Security Council should be expanded from fifteen to twenty-four members. It presents two alternative solutions in order for the Security Council to become more representative. (The members of *the Panel* might not have been able to agree.)

The first result, model A, consists of six new permanent members without the power of veto and three member states on a two-year mandate (the same condition as for the E-10 today). For tables on the recommended distribution of the seats among the regional areas see Appendix 4. (Report 2004:81) Africa and Asia plus the Pacific, which only have one permanent seat today (China), would receive four additional permanent seats. Moreover the new non-permanent seats would

favour these regions opposite Europe and Americas.\* This suggestion supports both the communitarian and cosmopolitan perspective in that it gives continents with a large amount of developing countries more representation and authority in the Security Council (although none of the theories would suggest permanent seats or support the conservation of the veto). Also many large states (and big contributors to the UN) are situated in these regional districts, which would reflect the cosmopolitan approach. Possible countries for the permanent seats in the proposal are Japan, Germany, India, Brazil, Egypt and South Africa. It would be a more balanced Security Council between the regional areas of the world, which especially adheres to the communitarian theory that value equality among communities.

The second proposal, model B, is more complicated than the first one and includes a new category of members. There would be eight semi-permanent members that will get longer mandate terms than two years but will not become completely permanent members; they would have four-year renewable-term seats. One extra non-permanent member for a period of two years would also be added in model B. (Report 2004:81) The new group of semi-permanent seats would be equally distributed among the four regional areas, two each. From a regional outlook, especially Europe remains privileged in this model. However regarding the additional non-permanent member, Africa and Asia receive an advantage, like in the first model.

Thus the Commission's suggestion is a larger Security Council with the P-5 remaining at their permanent seats with the veto. Both the theoretical lines of thought would argue that *the Panel* should have submitted a more bold reform proposal, e.g., restricted the veto of the P-5. But *the Panel* thinks that the proposal is extensive; it would have been an unrealistic plan to propose an abolition of the power of veto. The tendency in the proposal is clear however since *the Panel* does not suggest giving the veto to more states. On the contrary it firmly states in its recommendations that there should be "no expansion of the veto". *The Panel* criticizes the power of veto in the report by saying that it is anachronistic and does not belong to a democratic era. (Report 2004:82)

The report frequently emphasizes the principle of honouring Article 23.1 of the UN Charter and states that voting power of the member states should be in accordance with their financial, military and diplomatic contributions to the UN. The member states that mainly contribute to the UN should be more involved in the decision-making and thus have the privilege of permanent or longer-term seats in the Security Council. Except for economic donation to the regular budget and assistance with armed troops to peacekeeping operations, development aid is seen as an important aspect of contributions to the UN. (Report 2004:77, 80, 82, 109)

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\* Today the regional distribution is five from Asia and Africa, one from Eastern Europe, two from Latin America and two from Western Europe and other states (UN Charter Article 23.1).



As demonstrated above, another opinion of *the Panel* is the necessity of wider representation in the Security Council from all the UN member states and in particular from developing countries. The two principles do not seem to harmonize. For that reason developed and developing countries cannot be measured by the same criteria. Selective preference must also be taken for a certain number of contributors in each regional area of the world. (See Report 2004:80, 82, 110) The system of selectivity might and might not be supported by democratic theory.

The recommendation of favouring the states with the biggest resources would be rejected by the communitarian theory. It could also be seen as a contradiction to equality of persons and not in line with cosmopolitan democratic reform. Yet it might be regarded as fair and necessary in order to get the most powerful states to involve in multilateral cooperation at all to give their rights priority before less powerful states. (See Bienen, Rittberger & Wagner in Archibugi, Held & Köhler 1998:299; Archibugi in Archibugi and Held 1995:153; Report 2004:77, 80, 82)

The report supports an enforcement of the General Assembly in relation to the Security Council, just like the communitarian approach. It states that the General Assembly has exceptional legitimacy but has lost strength (Report 2004:77). No direct changes of the General Assembly are proposed but the report states that its focus and structure should be improved by renewed efforts of all member states (Report 2004:78). The cosmopolitan proposition of creating an additional second assembly (with representatives directly elected by the people) might be in the same line of thinking as strengthening the General Assembly (even though the governments elect the state representatives in the General Assembly).

Europe remains with two permanent seats; the replacement of France and the United Kingdom with the EU is not discussed. The report does not propose inclusion of international organizations into the Security Council but it suggests that the Security Council should make use of the benefits of cooperating with regional and subregional organizations (Report 2004:78). Thus in this matter *the Panel* does not “take the step” but nonetheless is leaning towards communitarianism.

As for the suggestion of the cosmopolitan theory of a consultative vote from representatives of civil society in the Security Council, *the Panel* mentions that it supports further public engagement in the activities of the Security Council. (Report 2004:83) The same as for regional organizations applies to the relations with civil society and NGO’s. (Report 2004:79) The report actually advises the introduction of an arrangement of “indicative voting”. A member of the Security Council should be able to ask for an assessment of the positioning of the public on a specific issue or action. However the public indication would not have any legality. (Report 2004:82)

## 6 Conclusion

The analysis presented in the first part of the paper, of possible reform proposals of the contrasting theories, reveals that the theories often have similar reform ideas. The theories have the same basic democratic values. Both lines of thought within the theories point to similarities between cosmopolitanism and communitarianism when it comes to politics (there are more differences concerning philosophical and psychological concerns). The cosmopolitan theory is not completely committed to a presocial self and communitarianism does not mean that socialization is the only truth. Individuals can be seen as the base in the community/state according to communitarianism and cosmopolitanism accepts that states currently are the only legal subjects in the UN.

The single difference that can be clearly distinguished, regarding the Security Council reform proposals, is the focus of communitarianism on protection of smaller and diverse states and equality among all states in the Security Council, while cosmopolitanism consider majority rule and populous countries in its reform. The dissimilarity depends on the theories' different centre of attention concerning the legal subjects of states/communities and individuals.

Regarding the second part of the paper, the earlier stated similarities between the theories (and between their reform proposals) consequently makes it hard to draw an obvious line from the findings of the report to any of the theories. Furthermore *the Panel* does not go as far as any of the theories on recommending Security Council reform. The theories focus on democratic governance. The report additionally has to take into consideration the effectiveness of the Security Council and also realistic and practical ways to transform the composition of the Security Council. *The Panel* does not suggest limitation or abolition of the power of veto, but nor its extension. The report states that the veto is an anachronism from 1945. It nevertheless proposes an expansion of permanent members in model A, which is against democratic principles.

The report's elaborated enlargement of the Security Council in model A and B are the only concrete proposals on how to change the organ to become more representative (electorally and geographically). In both models preference seem to be given to the expansion of the Security Council with states from regions that hold heavily populated and powerful states. Thus the report is here pursuing cosmopolitan before communitarian standards.

The suggestion of communitarianism to revitalize the General Assembly is similar to what is considered in the report. *The Panel* also supports better cooperation

between the Security Council and civil society and the possibility of checking the public opinion by “indicative voting”, which is desired by cosmopolitanism.

The proposal of adding smaller states to the Security Council by the communitarian approach is not explicitly stated in the report. However *the Panel* does support a selectivity system for regional representation and for the entrance into the Security Council of less powerful states (not contributing as much financially, militarily and diplomatically), e.g., developing countries. The acceptance of membership of regional organizations in the Security Council, a suggestion by the communitarian approach, is not mentioned in the report.

From what is stated above it can merely be deduced that the report’s recommendations lean slightly more towards cosmopolitanism than communitarianism, but it is not evident. The matter that concludes the observation is that the proposals in model A and B appear to give preference to large/populous and mighty states, which is more in agreement with the reform idea of the cosmopolitan theory.

The result of the paper might not be useful for society in general but it is interesting to see whether and, if so, how the UN’s reform proposals can be positioned theoretically. The analysis has shown that characteristics from both theories can be applied. The question of generalization of the outcome of this paper could be a starting-point for further research (Esaiasson et.al. 2003:170). Perhaps the same tendency towards the cosmopolitan theoretical position can be found in more aspects of the reform work of the UN. Even if nothing far-reaching has been concluded, hopefully some attentiveness has been raised of what general underlying theoretical perspectives the UN might present in its reports.

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## Appendix 1

### United Nations Charter Chapter V

#### COMPOSITION

##### **Article 23**

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.
2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.
3. Each member of the Security Council shall have one representative.

#### FUNCTIONS and POWERS

##### **Article 24**

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.
2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.
3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

## **Article 25**

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

## **Article 26**

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

## VOTING

### **Article 27**

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.

## PROCEDURE

### **Article 28**

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.
2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

### **Article 29**

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

### **Article 30**

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

### **Article 31**

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

### **Article 32**

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations

Source: [www.un.org](http://www.un.org), 04/01/2005



## Appendix 2

### The members of the High-Level Panel

- Anand Panyarachun (Chairman), former Prime Minister of Thailand
- Robert Badinter (France), Member of the French Senate and former Minister of Justice of France;
- Joao Clemente Baena Soares (Brazil), former Secretary-General of the Organization of American States;
- Gro Harlem Brundtland (Norway), former Prime Minister of Norway and former Director-General of the World Health Organization;
- Mary Chinery-Hesse (Ghana), Vice-Chairman, National Development Planning Commission of Ghana and former Deputy Director-General, International Labour Organization;
- Gareth Evans (Australia), President of the International Crisis Group and former Minister for Foreign Affairs of Australia;
- David Hannay (United Kingdom), former Permanent Representative of the United Kingdom to the United Nations and United Kingdom Special Envoy to Cyprus;
- Enrique Iglesias (Uruguay), President of the Inter-American Development Bank;
- Amre Moussa (Egypt), Secretary-General of the League of Arab States;
- Satish Nambiar (India), former Lt. General in the Indian Army and Force Commander of UNPROFOR;
- Sadako Ogata (Japan), former United Nations High Commissioner for Refugees;
- Yevgenii Primakov (Russia), former Prime Minister of the Russian Federation;
- Qian Qichen (China), former Vice Prime Minister and Minister for Foreign Affairs of the People's Republic of China;
- Nafis Sadik (Pakistan), former Executive Director of the United Nations Population Fund;
- Salim Ahmed Salim (United Republic of Tanzania), former Secretary-General of the Organization of African Unity; and
- Brent Scowcroft (United States), former Lt. General in the United States Air Force and United States National Security Adviser.

Source: UN-globalsecurity 2004, <http://www.un-globalsecurity.org/panel.asp#1>, 17/11/2004

## Appendix 3

### Terms of Reference of High-Level Panel

The past year has shaken the foundations of collective security and undermined confidence in the possibility of collective responses to our common problems and challenges. It has also brought to the fore deep divergences of opinion on the range and nature of the challenges we face, and are likely to face in the future.

The aim of the High-level Panel is to recommend clear and practical measures for ensuring effective collective action, based upon a rigorous analysis of future threats to peace and security, an appraisal of the contribution collective action can make, and a thorough assessment of existing approaches, instruments and mechanisms, including the principal organs of the United Nations.

The Panel is not being asked to formulate policies on specific issues, nor on the UN's role in specific places. Rather, it is being asked to provide a new assessment of the challenges ahead, and to recommend the changes which will be required if these challenges are to be met effectively through collective action.

Specifically, the Panel will:

- a) Examine today's global threats and provide an analysis of future challenges to international peace and security. Whilst there may continue to exist a diversity of perception on the relative importance of the various threats facing particular Member States on an individual basis, it is important to find an appropriate balance at a global level. It is also important to understand the connections between different threats.
- b) Identify clearly the contribution that collective action can make in addressing these challenges.
- c) Recommend the changes necessary to ensure effective collective action, including but not limited to a review of the principal organs of the United Nations.

The Panel's work is confined to the field of peace and security, broadly interpreted. That is, it should extend its analysis and recommendations to other issues and institutions, including economic and social, to the extent that they have a direct bearing on future threats to peace and security

Source: UN News November 2003,  
<http://www.un.org/News/Press/docs/2003/sga857.doc.htm>, 17/11/2004

## Appendix 4

### Part of page 81 of Report of High-Level Panel

252. Model A provides for six new permanent seats, with no veto being created, and three new two-year term non-permanent seats, divided among the major regional areas as follows:

<i>Regional area</i>	<i>No. of States</i>	<i>Permanent seats (continuing)</i>	<i>Proposed new permanent seats</i>	<i>Proposed two-year seats (non-renewable)</i>	<i>Total</i>
<b>Africa</b>	53	0	2	4	6
<b>Asia and Pacific</b>	56	1	2	3	6
<b>Europe</b>	47	3	1	2	6
<b>Americas</b>	35	1	1	4	6
<b>Totals Model A</b>	191	5	6	13	24

253. Model B provides for no new permanent seats but creates a new category of eight four-year renewable-term seats and one new two-year non-permanent (and non-renewable) seat, divided among the major regional areas as follows:

<i>Regional area</i>	<i>No. of States</i>	<i>Permanent seats (continuing)</i>	<i>Proposed four-year renewable seats</i>	<i>Proposed two-year seats (non-renewable)</i>	<i>Total</i>
<b>Africa</b>	53	0	2	4	6
<b>Asia and Pacific</b>	56	1	2	3	6
<b>Europe</b>	47	3	2	1	6
<b>Americas</b>	35	1	2	3	6
<b>Totals Model B</b>	191	5	8	11	24

Source: Report 2004:81, <http://www.un.org/secureworld/report2.pdf>, 03/12/2004