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- a continuing process

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# Summary

Formed in the aftermath of the Second World War, the UN and its Security Council was given the primary responsibility for maintenance of international peace and security. Still today, sixty years later, the composition of permanent members in the Council has remained the same.

A debate has been raging within the UN about the role of the Security Council. Special concern has been directed towards the Council acting inconsistently, not implementing its own resolutions and ignoring, or even violating, international law. The logic for expansion seems simple, the Council not having been subjected for change since 1963 when the number of non-permanent members increased to ten. The current fifteen members represent eight per cent of the total number of member states in the organisation, and claims for a more legitimate Council representing the actual UN membership has risen throughout the years.

While basically accepting the premise of reform and enlargement of the Council, the negotiations have come to a stalemate regarding the details it would contain. Rivalry for permanency and members grouping up to support each other and reject others, has hindered the issue from progressing. In my thesis I investigate what is causing the deadlock on the matter, following the work on reform back in time.

Renewed momentum for an amendment, changing the character of the decision-making body of the world, seemed to have come in that the General Assembly's sixtieth session was coming up in 2005. The Secretary General of that time, Kofi Annan, had earlier that year presented two models on reform in his report *In Larger Freedom: Towards Development, Security and Human Rights for All* to be taken in consideration before the meeting. He urged the member states to keep in mind the importance of a Council representative and accountable for the organisation.

Before the General Assembly meeting different proposals similar to the Secretary General's were presented, promoting conformities of states for permanency. Still, no agreement could be settled at the World Summit 2005, the divergences and national interests of the members prevailed.

Since then the debate has continued, but not much has progressed. As I show in my thesis the issue has many questions to be answered in the quest for improvement of the Council status. Many aspects need to be taken in consideration and the problems need to be tackled from different angles in order to see the whole picture, meaningly the divergences in perspective of all member states. In this thesis I examine the main conformities for reform and their proposals together with an analysis of the Security Council's need for reform, along with suggestions on how to precede the matter.

# Abbreviations

AU	African Union
EU	European Union
GA	General Assembly
GATT	General Agreement on Tariffs and Trade
G-4	Group of Four
GPN	Gross National Income
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
ODA	Official Development Assistance
SC	Security Council
UFC	Uniting For Consensus
UK	United Kingdom
UN	United Nations
U.S.	United States
WTO	World Trade Organisation

# 1 Introduction

In the past twenty-five years, major institutional reforms and innovations in the international arena have been fulfilled. The evolution of the European Union towards a supranational decision-making organisation, the instalment of the International Criminal Court, and the fundamental transform of the international trade system GATT, replaced by today's WTO, to name a few.

On the other hand, some international institutions have remained remarkably unchanged throughout the years. The Security Council of the United Nations is one such example. Although the world around it has changed, not being the same as it was at its founding in 1945, the Council has resisted much amendment. The antiquated form of the body has for long raised calls on reform, but the work on progress is slow.

## 1.1 Subject and purpose

The need for Security Council reform is universally recognized. The composition and accountability has been a contentious issue since the drafting of the Charter. Considered the importance and power the SC possesses, it is the most argued body of the UN. The main debated issue though is still waiting to be solved – reforming the decision-making body to conform it to the organisation of today.

The purpose of this thesis is to provide a thoroughly analysis of the work on reforming the Council, mainly concentrating on the two models presented by former Secretary General Kofi Annan, and the development therein after. Major players in the reform process and the proposals they are opting for, will be charted.

As the member states are widely divided no significant progress has been made and the discussion continues, now nearly 20 years old. Most states support a reform but on what grounds? Words as 'representativeness', 'effectiveness' and 'accountability' are often being mentioned in the context of Council reforms, but just as the divergences of state opinions vary so do the meanings being read into those words. Action on reform thus has to confront many questions. How to best improve the representativeness of the Council without harming its efficiency? Broad criticism has been directed towards the accountability of SC decisions – how to make the work of the Council more open and transparent for the world community? And in the end, how to unite and win political support of the member states, also convincing the permanent members of the Council on reform? Founded on the conclusions in the analysis, the thesis aims to examine and suggest future solutions for the reform to progress.

## **1.2 Methodology and material**

In conducting this thesis I will use the UN Charter<sup>1</sup> in outlining the competence and power of the Security Council. For member states' opinions, reports and resolutions on the matter, official statements and UN documentation will be used. Doctrinal texts and articles will be the primary sources when building my analysis and finally conclusion. I will follow a descriptive and analytical judicial method.

## **1.3 Delimitations and structure**

I will firstly present the background of the founding of the UN as organisation, and further detail the one of the Security Council. Subsequently, I will provide an introduction to the early work on reform, whilst leading on to the proposals made by Kofi Annan in 2005, and thereof emerging suggestions. I herein wish to emphasize the delimitation of this thesis to the reform of the Security Council, leaving other possible reforms aside. The continuing issues treated will be the permanent members' positions on the matter, along with the Swedish opinion as an interesting comparison, in addition to observed common standpoints of member states and scholars. Thereafter the development on the reform process will be investigated to finally tie up my analysis on the state of the reform today and provide prospects for the future.

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<sup>1</sup> *Charter of the United Nations*, signed 26 June 1945, San Francisco, into force 24 October 1945.

## 2 Forming the UN

As the outbreak of the Second World War emerged the first attempt by an international peacekeeping organisation – the League of Nations - had thereby failed. But the idea behind the League of Nations was still just as much alive. For those planning the world of the post-war period, there were not many other alternatives than to try again.

The first of January 1942 representatives of 26 nations met and pledged their governments to continue fighting together, against the Axis Powers in the Declaration by United Nations – the name first coined by Franklin D. Roosevelt. In Dumbarton Oaks, Washington DC, in 1944, China, the United Kingdom, the USSR and the United States worked out a provisional proposal for the international peacekeeping organisation to be.<sup>2</sup>

The proposal contained two main purposes, one being to defend international peace and security and the other to create a co-operation amongst states concerning economic, social, cultural and humanitarian matters. Four principal bodies were to constitute the organisation later known as the United Nations. There were to be a General Assembly where all the member states would be represented. Then came the Security Council with only room for eleven members, of which five were to be permanent and the other six to sit for two years elected by the General Assembly. The International Court of Justice was the third body and a Secretariat the fourth.<sup>3</sup>

Because of the special responsibility for peace and security laid on China, the United Kingdom, the USSR and the United States this group of four decided that they were to hold an exceptional position in the Security Council. They were each and one of them to maintain a permanent place and to them special voting rules would apply – the so called veto power. The last and fifth permanent member was later on to become France. And so the expression ‘the Big Five’ or ‘the permanent five’ was coined.<sup>4</sup>

This arrangement was designed to differ as well in composition as success from the slow decision-making process in the League of Nations, where all the organisation’s functions were gathered in a general executive committee and consent was required from every member state.<sup>5</sup>

At the San Francisco Conference the 26 of June 1945 the signing of the UN Charter took place. 50 states were invited to participate, amongst them

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<sup>2</sup> *History of the United Nations*, <[www.un.org/aboutun/unhistory/](http://www.un.org/aboutun/unhistory/)>, visited 20 December 2007.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *The League of Nations Covenant*, signed 28 June 1919, into force 10 January 1920. <[www.geocities.com/Heartland/Valley/8920/European/leachart.html](http://www.geocities.com/Heartland/Valley/8920/European/leachart.html)>, visited 20 December 2007.



China, the United Kingdom and the USSR which all had declared war against the Axis Powers the first of March the same year. Moreover, the conference mainly consisted of European and North American industrial countries. Among these, 35 states were closely linked to the United States and five to the USSR. Only ten countries free of alliance were represented. The principal aim of the conference was to create a more effective peacekeeping organisation than the League of Nations had been. The represented countries were convinced that an organisation was necessary to prevent war and aggression, and for the maintenance of peace in the world. As stated in the preamble of the UN Charter:

“We the people of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind...”<sup>6</sup>

The statute was to contain a span of international principles regulating the relations amongst the member states. Principles concerning the equality of states and their territorial integrity, as well as the non-use-of-violence, peaceful settlement of disputes and the right to self-determination. At the same time, all seen through the eyes of present customary international law. All member states were to be jointly responsible for maintaining the military security amongst them – the most important being the collective security.

In return for the privileged position the permanent five retained in the Council, they were expected to work together and undertake special responsibilities for maintaining international peace and security. The new organisation was to be all that the League of Nations was not. Through the innovative enforcement system outlined in the UN Charter and the economic and military capacity of the permanent members, where American leadership and engagement were seen as core strengths, the UN would become a more effective and successful body.<sup>7</sup>

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<sup>6</sup> *Preamble to the UN Charter*, <[www.un.org/aboutun/charter/preamble.htm](http://www.un.org/aboutun/charter/preamble.htm)>, visited 20 December 2007.

<sup>7</sup> Edward C. Luck, ‘Power, Reform, and the Future of the United Nations’, 14, *Vanguardia/Dossier* (2005) p. 1, <[www.sipa.columbia.edu/cio/cio/projects/LuckVanguardia.pdf](http://www.sipa.columbia.edu/cio/cio/projects/LuckVanguardia.pdf)>, visited 15 January 2008.

# 3 The Security Council

The Security Council has the primary responsibility for the maintenance of international peace and security.<sup>8</sup> Its powers are concentrated into two particular categories – the peaceful settlement of disputes and the adoption of enforcement measures. The Council was constructed on the same principles as the League of Nations and the thought at the San Francisco Conference was to give the organisation nearest monopoly to the use of force. While other bodies of the UN make recommendations the Council has the power to take decisions, which are binding upon the members.<sup>9</sup> It is intended to operate as an efficient executive organ of limited membership.<sup>10</sup>

The presence and membership of the five permanent states - the U.S, the USSR, China, France and the UK<sup>11</sup> has remained constant since the beginning, while the total members in the Council increased from 11 to 15 in 1965, the aim being to improve the representation by offering more places to be filled. The election, made by the General Assembly every second year, is to occur in due regard to, firstly, their contribution to the maintenance of peace and security and, secondly, equitable geographic distribution.<sup>12</sup> However, in practice, the second criteria has gained priority and in accordance with a gentlemen's agreement dated back to 1963 the seats get distributed in the following five regional groups: three seats for African countries, two for Asia, one for Eastern Europe, two for Latin America and two for Western Europe or other states.<sup>13</sup> The rules of voting in the Council are most significant and every member has one vote each.<sup>14</sup>

A great difference though, dividing the Council, constitutes the power of veto that the permanent members hold. For decisions on procedural matters a majority of nine is required, while on other matters the majority must include all of the permanent members.<sup>15</sup> That means, if a permanent member does not agree it can interpose its veto against a decision being made. At the same time are the members of the UN obliged to act according to their decisions<sup>16</sup>, provided that the decisions are in conformity with the principles and purposes of the UN Charter.<sup>17</sup> All five permanent members

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<sup>8</sup> Article 24(1) of the UN Charter.

<sup>9</sup> Article 25 of the UN Charter.

<sup>10</sup> Malcolm N. Shaw, *International Law*, fifth edition (Cambridge University Press 2003), pp.1085-1086.

<sup>11</sup> Article 23 of the UN Charter.

<sup>12</sup> *Ibid.*

<sup>13</sup> UN General Assembly, *Question of Equitable Representation on the Security Council and the Economic and Social Council*, (A/RES/1991 XVIII), 17 December 1963, <[www.un.org/documents/ga/res/18/ares18.htm](http://www.un.org/documents/ga/res/18/ares18.htm)>, visited 20 December 2007.

<sup>14</sup> Article 27(1) of the UN Charter.

<sup>15</sup> Article 27(2-3) of the UN Charter.

<sup>16</sup> Article 25 of the UN Charter.

<sup>17</sup> Article 24(2) of the UN Charter.

have exercised their right of veto several times and all of them have been accused for using it incorrectly.<sup>18</sup>

It is not just the veto in itself that can hinder a decision being taken in the Council. The ten non-permanent members can together create a form of veto even when the permanent five aren't using theirs. This according to article 27(3) of the UN Charter, requiring an "affirmative vote of nine members" for a resolution to be adopted.

It is the Security Council that establishes the existence of a threat to the international peace and security<sup>19</sup> and is empowered under Chapter VII of the Charter to take measures to enforce its decisions. It can impose embargoes and sanctions or authorize the use of force to ensure its mandates being fulfilled. These measures are though a last resort, when peaceful means of settling a dispute have been exhausted and after determining that a threat to the peace, a breach of the peace or act of aggression exists.<sup>20</sup>

Article 103 of the Charter provides that in the event of a conflict between a states obligation under an international agreement and the UN Charter, the obligations towards the UN shall prevail. The relationship between this article and the rules of *jus cogens* was discussed in the *Bosnia* Case by Judge Lauterpacht in his Separate Opinion.<sup>21</sup> By referring to the hierarchy of norms in international law he drew the conclusion that article 103 cannot apply in a conflict concerning a Security Council resolution and *jus cogens*. The norm of *jus cogens* must prevail. Further support for this theory gives the Vienna Convention on the Law of Treaties stating that treaties violating *jus cogens* are void.<sup>22</sup>

Accordingly, decisions taken even in the Security Council must accommodate and conform to the *jus cogens* norms of international law. Also must it put the commitments made to the organisation in first place, a rule the Council ought to look into a bit more carefully.<sup>23</sup>

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<sup>18</sup> Cf. chapter *Retrospect on Council Actions*.

<sup>19</sup> Article 39 of the UN Charter.

<sup>20</sup> Chapter VII of the UN Charter.

<sup>21</sup> Case concerning application of the convention on the prevention and punishment of the crime of genocide, *Bosnia v. Herzegovina*, *ICJ Reports 1993* (13 September 1993), p. 325, at. 440, <[www.un.org/law/cjsum/9328.htm](http://www.un.org/law/cjsum/9328.htm)>, visited 15 January 2008.

<sup>22</sup> Article 53 of the *Vienna Convention on the Law of Treaties*, signed 23 May 1969, into force 27 January 1980, U.N.T.S., Vol. 1155.

<sup>23</sup> See following discussion in the thesis.

# 4 Retrospect on Council actions

## 4.1 The power of veto

Inevitably there were many different divergences of opinion and perspective when the UN Charter was formed, but the one that received most attention was the right to veto by the five permanent states. The proposal was strongly opposed by the countries whose citizens had fought in the war against the Axis Powers and gave ground for a long and heated debate, which threatened to break up the conference.

The veto was supposed to play an important role when the permanent states within themselves had different points of view and was to prevent a development of divergences. The smaller countries feared that when one of ‘the Big Five’ threatened the peace the Security Council would stand powerless to act, while the permanent states could act arbitrarily in disputes between non-permanent states. The permanent five on the other hand argued the main responsibility for world peace rested on their shoulders, being the powers with the resources to fulfil that responsibility. The composition in the Security Council, they said, had to correspond with the real power configuration of the world – an argument now attained by to opposition to the permanent five, claiming a more updated version of the powers of today taking seats in the Council.<sup>24</sup>

Eventually the smaller countries gave in for the greater interest – founding the new world organisation – if not perfect at least as good as it could be. By delivering a final treaty, the UN as international organisation was established after being ratified by a majority of the signatory states the 24 October 1945.<sup>25</sup>

At the San Francisco Conference expectations on a future review of the Charter and the structures of the organisation was given through article 109 of the statute. This provided the possibility to change the UN membership through a meeting in the General Assembly “for the purposes of reviewing the present Charter”, although such a conference never took place. The permanent five clearly communicated their efforts to safeguard the veto power given them.<sup>26</sup> The confrontation in world politics that followed and became known as the Cold War, is one of the major events in modern time considered how many lives were affected by it. The world was divided in

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<sup>24</sup> Allphin John Jr. Moore and Jerry Pubantz, *The New United Nations – International Organization in the Twenty-first Century* (Pearson Education, Inc., New Jersey, 2006) pp. 57-59.

<sup>25</sup> Benedetto Conforti, *The Law and the Practice of the United Nations*, third revised edition (Martinus Nijhoff Publishers, Leiden, 2005) p. 6.

<sup>26</sup> Ruth B. Russell, ‘A History of the United Nations Charter: The Role of the United States 1940–1945’, Vol. 65, No. 3, *The American Historical Review* (1960) pp. 643-644, <[www.jstor.org](http://www.jstor.org)>, visited 20 December 2007.

two between the West and the East – the United States and their allies contra the USSR. For almost half a century the world lived in a state of neither war nor peace. A devastating condition for the world, and for the UN.

The oppositions between the superpowers paralyzed the Council and made it ineffective. Although chapter VI and VII of the UN Charter made it possible to intervene in the bigger conflicts<sup>27</sup> the veto power made it impossible. The superpowers' interests all over the world made any conflict hard to handle. From 1946 to 1986 the veto power was used 242 times, of which the USSR stood for half of them. The UN appeared immobile meanwhile the free oceans and outer space became part of the military arena. The UN was regarded as an instrument in the hands of the two blocs and could not meet the expectations set on the organisation.<sup>28</sup>

After the fall of the Berlin Wall in 1989 and the end of the Cold War the threat against the global security changed. The former so imminent threat of a nuclear war was gone since the diversities between the superpowers substantially minimized. During the Cold War only three times was a decision in unanimity taken in the Security Council.<sup>29</sup> When Iraq occupied Kuwait 2 August 1990 it became the first time after the Cold War had ended, a collective measure being taken by the Council.<sup>30</sup>

In an article Mikhail Gorbachev described his ideas on the importance the UN possesses for the maintenance of world peace and security. He stated that nations are dependent upon each other and form a determined whole.<sup>31</sup> In that, an opening to a new period in the historic sense had initiated and it contributed to a breakthrough in the USSR's politics towards the UN. The turn in Russian politics laid the foundation of a new era for the UN. In that the empire of the Soviet Union fell apart the politic geography changed and in the aftermath of the Cold War the United States stood as sole superpower of the world.

Since the end of the Cold War the use of the formal veto diminished dramatically and resolutions passed in a pace without parallel. Efforts were made on reshaping the UN in conformity with the vision of 1945 as a world body of action and control over the collective security. The U.S. power took a firmer position in the organisation; just as it half a decade earlier was encouraged and hoped to do. Only now the American military force was not

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<sup>27</sup> Eg. the Vietnam War and the Korean War.

<sup>28</sup> Céline Nahory, 'The Hidden Veto', *Global Policy Forum*, (May 2004), <[www.globalpolicy.org](http://www.globalpolicy.org)>, visited 20 December 2007.

<sup>29</sup> See the attack of South Korea by North Korea and sanctions against Rhodesia and South Africa.

<sup>30</sup> UN Security Council Resolution 687, *Concerning the Implementation of Security Council Resolution 660*, (S/Res/687) 27 November 1990, <[www.un.org/Docs/scres/1990/scres90.htm](http://www.un.org/Docs/scres/1990/scres90.htm)>, visited 20 December 2007.

<sup>31</sup> Mikhail Gorbachev, *Reality and Safeguards for a Secure World*, (A/42/574, S/19143), 18 September 1987.

seen as such an asset, but rather as something needed to be restrained or controlled.<sup>32</sup>

The increase of resolutions and formal meetings made the Council far more active than in the past, when U.S. and Soviet rivalry paralyzed the decision-making with their vetoes. The activism has though been questioned as undemocratic and illegitimate, only touching areas where none of the permanent five had any interest. Advancement and prosperity came in places like Namibia, El Salvador and Cambodia but seen together with the failures in Rwanda, the Balkans and Somalia it was an ambiguous success.

#### 4.1.1 Hidden veto

Although the use of the formal veto has occurred much more seldom the permanent five have continued perpetrating pressure in the Council to realize their interests. In private sessions away from the public eye, making the Council appear consolidated where vetoes are rare and consensus the norm, warnings on vetoes have been given to convince members to shifting their opinions. By exercising this kind of pressure the agenda behind the veto never gets disclosed and the Council acts uniform. This phenomenon is called the 'hidden' - or 'closet veto' and as the UN Ambassador of Jamaica explained it: "the mere presence of the threat of the veto... determines the way the Council conducts its business."<sup>33</sup>

UN actions taken against Israel are one example on U.S. hidden vetoes constantly threatening to undermine the work of resolutions on the Arab-Israel conflict. Since the threats are not issued formally, it is impossible to count the number of hidden vetoes used in order to block decisions against the will of other Council members. As an indicator the number of vetoes cast the last decade could be used, along with the fact that certain issues never hit the Council agenda. Issues that the permanent five, or as Phyllis Bennis declares, more so issues that the U.S. considers being within its own exclusive sphere of interest, never gets discussed in the Council. The Council members talk with one voice, the voice of Washington.<sup>34</sup>

Even when the formal veto was used much more frequently the colonial wars and Cold War conflicts were kept off the agenda. So still today, these untouchable topics paralyze the work of the Council as the elected members fast learns which rules they are to play after. The U.S. involvement in Vietnam is another example never brought to the attention by the Council. More recent ones are Tibet, Xinjiang, Northern Ireland, Sudan, Uganda and Colombia – all 'forgotten' conflicts. The boundaries set on which matters are to be taken up by the Council and which are not, are decided by the permanent five through their use of vetoes. They claim that the Council

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<sup>32</sup> Luck, *supra* note 6, p. 2.

<sup>33</sup> Statement at the *Security Council Wrap-Up Session* (S/PV.4363), 31 August 2001, p. 7, <[www.un.org/Docs/sc/presidency/4363e.pdf](http://www.un.org/Docs/sc/presidency/4363e.pdf)>, visited 21 December 2007.

<sup>34</sup> Phyllis Bennis, *En Kuvad Världsdemokrati – hur Washington dominerar dagens FN*, (TankeKraft Förlag, Stockholm, 2004) p. 0090.

makes their decisions based on substance and are therefore not to be seen as procedural matters - consequently arguing that the veto is being used legitimately.<sup>35</sup> It is not just resolutions that get hindered by the vetoes. Nominations for Secretary General as well as admissions of new member states get continuously blocked by the permanent five.

The paralyzation and impact on the Council caused by hidden vetoes has shown the most terrifying consequences. In 1994 the UN failed to act on the situation in Rwanda. As hidden vetoes from France and the U.S. had been cast the world stood silent as more than 800 000 people were killed in the genocide. In an independent UN report in part led by Ingvar Carlsson to the Secretary General in 1999, admittance to the UN's direct responsibility on the genocide was given, caused by the unwillingness to act by member states.

“There was a persistent lack of political will by Member States to act, or to act with enough assertiveness. This lack of political will affected the response by the Secretariat and decision-making by the Security Council...”<sup>36</sup>

The will of achieving consensus means the hidden veto plays a highly strategic roll even amongst the permanent members. Before presenting an arrangement to the Council they often consult each other on important matters and try to strike a deal beneficial to them all. This kind of trading for support occurred for example when Russia threatened to place its veto on involvement in Iraq in 1999 but in return for not using it Russia received ‘no action’ on the matter of Chechnya.<sup>37</sup>

## 4.2 Chapter VII sanctions

Fortunately military action is not the only coercive instrument to rely on set out in the UN Charter's Chapter VII. It also provides for sanctions of economic, political and diplomatic character which only have to gain in the higher number of member states willing to contribute - this put in contrast to how too many contributors very well can make military actions ineffective and difficult to organize. Sanctions other than military has specially been an alternative for those states eager to help but who haven't been equipped enough to contribute to the collective enforcement operations.

Since the large increase of sanctions in the 1990's, the world community is now familiar with the humanitarian and economic costs that come along with it. Although sanctions against states like Sudan, Serbia and Libya have had a positive impact on the reluctant regimes over time, the results have been difficult and ambiguous to read. Many of the sanctions have hit the

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<sup>35</sup> Nahory, *supra* note 26.

<sup>36</sup> Report of the Independent UN Inquiry into the actions of the UN during the 1994 genocide, in Rwanda, commissioned by Secretary General Kofi Annan to the president of the Security Council, (S/1999/1257), 15 December 1999, <[www.un.org/Docs/sc/letters/1999/sglet.htm](http://www.un.org/Docs/sc/letters/1999/sglet.htm)>, visited 21 December 2007.

<sup>37</sup> Nahory, *supra* note 26.

people of the regimes hardest and the humanitarian price have shown being high to pay. In the situation in Iraq the side-effects got considered unacceptable and disproportionate and in addition, in the end got used by Saddam Hussein to bring pressure on the Council to lighten the burden of economic sanctions and arms embargos set against him in the first place.<sup>38</sup>

The development since the ending of the Cold War provided a much more active UN than before. Military peacekeeping missions, economic sanctions, arms inspections and human rights monitors are all examples on measures authorized by the Security Council during the 1990's. But the reasoning behind SC decisions as described above, was seen as undemocratic and over all questionable to many member states. As a result the call on reform by less powerful states rose all higher and so the work towards a reformed Security Council better suited and devoted to the international community had begun.<sup>39</sup>

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<sup>38</sup> Luck, *supra* note 6, p. 2.

<sup>39</sup> James A. Paul, 'Security Council Reform: Arguments about the Future of the United Nations System', *Global Policy Forum* (February 1995), <[www.globalpolicy.org](http://www.globalpolicy.org)>, visited 21 December 2007.



# 5 Reforming the Council

As written in the article *Theses Towards a Democratic Reform of the UN Security Council* by James Paul and Céline Nahory, a reform has been sought since after the Cold War. The structure of the Council is a result of the world of 1945 and its composition is not suited for the challenges international peace and security are faced with today. Its controversial action put together with its inaction in handling situations has strengthened the voices for a reform. As Paul and Nahory describe the Council: “Too often it seems the captive of great power politics with little connection to the needs of the world’s peoples”.<sup>40</sup>

Still, a mutual solution has not been reached although a number of suggestions have been put forward the last decade. Common critique that has been presented intends to get the Council more representative, accountable, legitimate, democratic, transparent, effective and fair. It can all seem very reasonable demands upon the decision-making body of the world organisation but not quite so easy to fulfil. Most attention though has attracted the debate on membership expansion.

To change the composition of the Security Council a revision of the UN Charter would be required. All constitutional changes, as changes to the UN Charter, have to comply with a very high degree of support from the international community. An amendment to reform the Security Council needs attaining a two-thirds majority in the General Assembly, e.g. 128 votes out of the 192 members. Only then can the amendment be submitted to the member governments for ratification.<sup>41</sup>

Such a major institutional change has not yet won support in the UN. The members are in agreement on the flaws of the Council but in disagreement on which measures ought to be taken.

## 5.1 The Commission on Global Governance

In the end of the Cold War a new global climate arose strengthening the efforts to co-operation interstates. On initiative from the former West German chancellor Willy Brandt, representatives from the global commissions funded during the 1980’s were gathered for a meeting in Germany 1990. Through this meeting sprang the Commission on Global Governance, led by Ingvar Carlsson, former Prime Minister of Sweden, and

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<sup>40</sup> Paul, James & Nahory, Céline, ‘Theses Towards a Democratic Reform of the UN Security Council’, *Global Policy Forum* (13 July 2005), <[www.globalpolicy.org](http://www.globalpolicy.org)>, visited 20 December 2007.

<sup>41</sup> Article 108 of the UN Charter.

Shridath Ramphal, former Secretary General of the Commonwealth, from Guyana. The Commission with its 28 members from around the world, worked between 1992 and 1994 to prepare a report on the opportunities for the 1990's to build a more effective system for global co-operation on peace and security.

The report laid out in February 1995 had its message set out in its title, *Our Global Neighbourhood*, and described a list of values, such as respect for life, justice, freedom, care and integrity, as a foundation for their work. It also discussed how older norms like self-determination and sovereignty must adjust to new realities. In the report both a summary over the changes in the world taken place after the Cold War and suggestions on how to create a democratic global leadership were presented. The report was mainly directed towards the Security Council of the UN, being the forum for governments tackling global problems. It suggested a reform of the Council containing new permanent members, along with the right to intervene in civil war without consent from the government involved.<sup>42</sup>

## 5.2 Kofi Annan

Almost instantly after assuming office in 1997, Secretary General Kofi Annan began a far-reaching review of the UN's systems and activities. It became the most thorough analysis of the United Nations in its 52 years history. Annan identified ways to get the organisation and its decision-making more effective, at the same time emphasizing on it being a "continuing process, not a single event".<sup>43</sup> With that said his work towards a reformed UN had begun, understanding the continuing need to improve the organisation.

In 2002 he followed with the report entitled *An agenda for further change*<sup>44</sup>, where he more specifically described the types of reform possible for the organisation. In 2004 the High-Level Panel Report<sup>45</sup> was presented. Annan had chosen a panel of international politicians and diplomats to point out the greatest threats against security as a global issue. Their work amounted into two types of reform. These types were later used when Kofi Annan in 2005 presented the report *In Larger Freedom: Towards Development, Security*

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<sup>42</sup> Report of the Commission on Global Governance, *Our global neighbourhood*, (ISBN 0-19-827998-1), (Oxford University Press, 1995), <[www.sovereignty.net/p/gov/gganalysis.htm](http://www.sovereignty.net/p/gov/gganalysis.htm)>, visited 20 December 2007.

<sup>43</sup> Report to the General Assembly by the Secretary General, *Renewing the United Nations: A programme for reform* (A/51/950), 14 July 1997, <[www.un.org/millennium/documents/a\\_51\\_950\\_add7.htm](http://www.un.org/millennium/documents/a_51_950_add7.htm)>, visited 20 December 2007.

<sup>44</sup> Report to the General Assembly by the Secretary General, *Strengthening of the United Nations: An agenda for further change* (A/57/387), 9 September 2002, <[www.un.org/ga/57/document.htm](http://www.un.org/ga/57/document.htm)>, visited 20 December 2007.

<sup>45</sup> Report of the High-Level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility* (A/59/565), 29 November 2004, <[www.un.org/secureworld/report.pdf](http://www.un.org/secureworld/report.pdf)>, visited 21 December 2007.

*and Human Rights for All*<sup>46</sup> as the two methods best suitable for reforming the Security Council. Turning to the members of the General Assembly on its 59<sup>th</sup> session he urged them to take the suggestions put out for them under consideration before the UN meeting and celebration of the organisation's 60<sup>th</sup> birthday in New York.

## 5.2.1 The 2005 reform proposal

The two suggestions presented by Annan on reform for the Security Council, or model A and model B so-called, emerged through the analysis made of the High-Level Panel and the Millennium Declaration.<sup>47</sup>

Model A meant to enlarge the Council with six new permanent members, from whom two would be African members, but without the right to veto. In addition three temporary seats would be provided for. They would as the present temporary seats get elected every two years and switch amongst four regional areas. The permanent members of today would maintain their right to use the veto. Model B would not enlarge the number of permanent members to the Council, instead eight so-called "semi-permanent" members would sit in the Council for a four-year period and the seats would be administered geographically. They would also be re-electable. In addition, one temporary seat on a two-year period would be provided for. Both models would amount in a Security Council consisting of 24 members instead of today's 15. The regional areas would be Africa, Asia and the Pacific, Europe and finally the Americas. Continuously the ten seats for non-permanent members would in the future also be distributed amongst the geographical areas.<sup>48</sup>

Although no candidates were identified in the report, according to Yehuda Z. Blum it is not hard to see which states the panel has had in mind for the new seats. The permanent seats of model A would go to Germany, giving Europe one seat, and two seats for Asia and the Pacific represented by India and Japan. Brazil would get the seat of the Americas, and Nigeria and Egypt; alternatively South Africa would get the African seats. The semi-permanent seats of model B would go to Germany and Italy for the European seats, the Asia and the Pacific seats would go to India and Japan. For the African seats Nigeria would receive one, whilst the other would

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<sup>46</sup> Report to the General Assembly by the Secretary General, *In Larger Freedom: Towards Development, Security and Human Rights for All*, (A/59/2005), 21 March 2005, <[www.un.org/inlargerfreedom/](http://www.un.org/inlargerfreedom/)>, visited 20 December 2007.

<sup>47</sup> *A More Secure World: Our Shared Responsibility*, *supra* note 45, UN General Assembly, *United Nations Millennium Declaration*, (A/Res/55/2), 8 September 2000, <[www.un.org/millennium/declaration/ares552e.htm](http://www.un.org/millennium/declaration/ares552e.htm)>, visited 21 December 2007.

<sup>48</sup> *In Larger Freedom: Towards Development, Security and Human Rights for All*, *supra* note 46.

rotate between Egypt and South Africa. In the Americas one seat would go to Brazil, the other one rotating amongst Argentina, Mexico and Canada.<sup>49</sup>

In an article published in *Foreign Affairs* Kofi Annan described the threats of the world today and his thoughts behind the reform-proposals. Annan fortified the necessity of an overhaul of the UN and its Security Council by quoting Ralph Bunche's words on the UN existing "...not merely to preserve the peace but also to make change - even radical change - possible without violent upheaval. The UN has no vested interest in the status quo".<sup>50</sup>

Kofi Annan pleaded in his article to the member states reminding them on the importance of a more efficient and justly representative Security Council, being the decision-making organ of the world politics. He stated the urgency of such a reform to enable the Council to fulfil its responsibilities for the maintenance of world peace and security, meanwhile pointing out that the principles and foundation on which the UN was set up are just as relevant today as they were in 1945. Essential for the maintenance of the organisation is that it renews in time as the demands on the UN changes, Annan continued. In other words; an international organisation adjusted to the 21<sup>st</sup> century. The development the last 60 years through globalization, technology and massive geopolitical changes makes a reform of the UN inevitable and most necessary. The challenges and threats facing the world today make us all vulnerable and for that needs a broader and sustained co-operation. States acting on their own agenda weakens the organisation and broadens the gap between states, and between the strong and the weak. Consequently unilateral conduct can only fail in the end. Instead, declared Annan, we must unite to face the threats.<sup>51</sup>

The reform would legitimate the Council more easily, corresponding much better to how our world look today, Annan continued, emphasizing the necessity for the Council to move towards a different approach, showing more will to take action when it's needed. By reforming in accordance with which states contribute the most financially, militarily and diplomatically more effectiveness, transparency and accountability would come to the Council. The Annan-proposals aimed also to a reform representing the broadness of the membership today, with nearly 200 states in the organisation. Countries from the developing world were therefore to be brought into the decision-making body. Developed countries contributing or making great progress towards 0,7 per cent of GPN to the ODA were to be considered contributing states and thereby to be evaluated for permanency.

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<sup>49</sup> Yehuda Z. Blum, 'Proposals for UN Security Council Reform', Vol. 99, No. 3, *The American Journal of International Law* (July 2005), p. 641, <[www.jstor.org](http://www.jstor.org)>, visited 21 December 2007.

<sup>50</sup> Annan, Kofi, "'In Larger Freedom': decision time at the UN", *Foreign Affairs*, (May/June 2005), <[www.foreignaffairs.org/20050501faessay84307-p10/kofi-annan/in-larger-freedom-in-decision-time-at-the-un.htm](http://www.foreignaffairs.org/20050501faessay84307-p10/kofi-annan/in-larger-freedom-in-decision-time-at-the-un.htm)>, visited 20 December 2007.

<sup>51</sup> *Ibid.*

By striking the two main considerations of the report together – contribution on one hand and ‘representiveness’ on the other – a balance would govern the Council according to the report.

In addition, Annan called for “a new San Francisco moment”. By that he was referring to the need of finding our way back to where the UN had started, reminding our selves on the purposes behind it. Security, development and human rights are all linked together and are still today the issues that make collaboration inter-states so vital. The world’s governments must come together in consensus, not acting separately for their own good but for the better of our global community.

To reach the goals set up considering strengthening the collective security, finding a truly global strategy for development and proceed the cause on human rights and democracy, Annan urged on establishing new mechanisms that would ensure the community member-states’ commitments can be fulfilled in reality and are not only existing on paper. Here the states liability is a crucial point for a successful result. Annan pointed out recent set-backs which have affected the credibility of the Security Council making a far-reaching change therefore necessary. The member-states would have to start living up to the commitments they’ve engaged.<sup>52</sup>

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<sup>52</sup> *Ibid.*

## 6 World reactions

After the General Secretary had presented his model A and model B two larger groups in particular emerged opposing each other. The groups, or blocks, called the G-4 and the Uniting for Consensus were both for an enlargement of the Council. The question was whether the expansion would be embodied with permanent or non-permanent members.<sup>53</sup>

### 6.1 The Group of Four

The influential middle powers Japan, India, Brazil and Germany came together 6 July 2005 presenting a draft for the General Assembly in their effort towards permanent membership. The draft amounted to enlarge the number of permanent members from five to eleven, together with four more non-permanent members. The permanent seats were to be distributed in two seats each for Africa and Asia, one for western states and one for Latin America and the Caribbean. The non-permanent seats would one each go to Africa, Asia, Eastern Europe and Latin America and the Caribbean. No right to veto would be granted the new permanent members but 15 years after such a Charter amendment the question would be lifted for discussion by the General Assembly.<sup>54</sup>

### 6.2 The Uniting for Consensus

The Uniting for Consensus was a new entity of the Coffee Club, which in the beginning of the 1990's stood for massive lobbying against any request on expanding the Security Council. In 2005, led by Italy, the group consisting of states as Pakistan, Mexico and Canada, called for a consensus on the issue before any decision would be taken. The course of action suggested was continued consultations led by the President of the General Assembly and the Secretary General to reach the broadest possible agreement. The proposal outlined by the group contained ten new non-permanent members. The total 20 non-permanent seats were to be divided in six seats for African states, five for Asian, four for Latin America and the Caribbean, three for Western Europe and other states, and two for Eastern European states.<sup>55</sup> The prohibition stated in the UN Charter Article 23 on immediate re-election would be eliminated and in favor for "states who feel

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<sup>53</sup> Ayca Ariyörük, 'Players and Proposals in the Security Council Debate', *Center for UN Reform Education*, (3 July 2005), <[www.centerforunreform.org](http://www.centerforunreform.org)>, visited 15 December 2007.

<sup>54</sup> G-4 Draft Resolution to the General Assembly, *Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters* (A/59/L.64), 6 July 2005, <[www.un.org/Docs/journal/asp/ws.asp?m=A/59/L.64](http://www.un.org/Docs/journal/asp/ws.asp?m=A/59/L.64)>, visited 15 January 2008.

<sup>55</sup> UFC's Draft Resolution to the General Assembly, *Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters* (A/59/L.68), 21 July 2005, <[www.un.org/Docs/journal/asp/ws.asp?m=A/59/L.68](http://www.un.org/Docs/journal/asp/ws.asp?m=A/59/L.68)>, visited 15 January 2008.

they have something special to contribute to world peace and security”.<sup>56</sup> The elections would give reassurance on the accountability for those chosen to the Council, argued the UFC. In addition regional alignment could be formed with one or more states as spokesmen for their region, working together to get their voice heard more frequently in the Council.<sup>57</sup>

## 6.3 Member states’ positions

### 6.3.1 France

The French government welcomed the G-4 draft and its proposal on an expansion for both permanent and non-permanent members, having considered an expansion of the Council for several years. A reform would be necessary to get a better representation of the international community, present in the Council. More states and new power would contribute to the maintenance of international peace and security and improve efficiency.<sup>58</sup> In a statement France also declared not having a problem with veto power for the new permanent seats.<sup>59</sup>

### 6.3.2 The United States

The United States declared that they supported an enlargement of the Council but urged the G-4 to consider their impact pressuring for a vote, since a Council reform alone would not favor the organisation. Instead the reform of the Council is to be seen as an element in an overall reform of the UN, they meant.

The U.S. stated it found the Council more important than ever and effective in its work. Any proposal diminishing the efficiency of the Council the U.S. would oppose. At that time there was no proposal worthy putting up for vote, according to the U.S., based on the Charter requiring a broad consensus for amendments. Still the divergences of the world opinion were too large. A reform for expansion would not occur until it could lead to greater efficiency and it would then be done “the right way and at the right time”. When well the world would be ready for such an amendment the states possessing the permanent seats would have to qualify certain criteria reassuring handling the duties and responsibilities laid on their

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<sup>56</sup> *Ibid.*

<sup>57</sup> Ali Iftikhar, ‘Italy/Pakistan-led group slams G-4’s approach on UNSC expansion’, *The Nation on Web*, (27 May 2005), <[www.nation.com.pk/daily/may-2005/27/index9.php](http://www.nation.com.pk/daily/may-2005/27/index9.php)>, visited 20 December 2007.

<sup>58</sup> Summary of statement from France made by Jean-Marc de la Sablière on the fifty-ninth General Assembly plenary meeting (GA /10367), 11 July 2005, <[www.un.org/News/Press/docs/2005/ga10367.doc.htm](http://www.un.org/News/Press/docs/2005/ga10367.doc.htm)>, visited 20 December 2007.

<sup>59</sup> ‘UN/France G-4’, *UNiFEED* (30 May 2005), <[www.un.org/unifeed/script.asp?scriptId=274](http://www.un.org/unifeed/script.asp?scriptId=274)>, visited 15 January 2008.

membership.<sup>60</sup> The criteria would be based on military capacity, population, spokesmen for human rights and democracy, financial contribution to the organisation and counter measurements on terrorism. The geographic balance would also be a factor.<sup>61</sup>

### **6.3.3 The United Kingdom**

The position held by France did very much correspond with the one for the United Kingdom. Facing the challenges of today's world an enlargement of the Council, both for permanent as for non-permanent members, would make the UN better equipped, meant the UK. A Council more transparent and better engaged with other UN bodies would enable the members to better fulfil their responsibilities. Support was given for the states of the G-4 as well as for permanency for Africa. On one point though; the extension on veto power, the United Kingdom was of another opinion than their neighbour France, stating that they did not see it as a necessary feature for the permanency or being in the interest of the UN.<sup>62</sup>

### **6.3.4 The Russian Federation**

The Russian Federation said it to be supportive of any enlargement of the Council leading to a more effective body. Also had a proposal have to create a better geographical balance and therefore was the inclusion of developing countries of great importance. Having said this, the Russian Federation expressed that the representiveness was not to undermine the efficiency and the Council therefore ought not to extend 20 states for membership. The question concerning the veto power would be taken in consideration after the permanent members would have been chosen. One thing the Russian Federation firmly expressed was that there would be no diminishing measures taken towards the duties and privileges for the current permanent members therein included the right to veto.<sup>63</sup>

### **6.3.5 The People's Republic of China**

China's position on the matter was that expansion of the Council as well as the improvement on working methods was needed. The voice of developing countries must be heard for better representativity, constituting two-thirds of the members in the UN, but the authority and efficiency must not be

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<sup>60</sup> Summary of statement from the United States made by Shirin Tahir-Kheli on the fifty-ninth General Assembly plenary meeting (GA/10368), 12 July 2005, <[www.un.org/News/Press/docs/2005/ga10368.doc.htm](http://www.un.org/News/Press/docs/2005/ga10368.doc.htm)>, visited 20 December 2007.

<sup>61</sup> U.S. Department of State, 'U.S. priorities for a stronger, more effective United Nations', *Bureau of Public Affairs Washington DC* (8 September 2005), <[www.state.gov/r/pa/scp/2005/52982.htm](http://www.state.gov/r/pa/scp/2005/52982.htm)>, visited 20 December 2007.

<sup>62</sup> Summary of statement from the United Kingdom made by Emyr Jones Parry on the fifty-ninth General Assembly plenary meeting (GA/10368), 12 July 2005, <[www.un.org/News/Press/docs/2005/ga10368.doc.htm](http://www.un.org/News/Press/docs/2005/ga10368.doc.htm)>, visited 20 December 2007.

<sup>63</sup> Summary of statement from the Russian Federation made by Andrey I. Denisov on the fifty-ninth General Assembly plenary meeting (GA/10368), 12 July 2005, <[www.un.org/News/Press/docs/2005/ga10368.doc.htm](http://www.un.org/News/Press/docs/2005/ga10368.doc.htm)>, visited 20 December 2007.



sacrificed on the way. Small and medium-sized countries ought to take a bigger part of the decision-making, they claimed. Like the United States China did not approve of any of the suggestions on reform laid out, and clarified that no time frame could be set on the matter. A proposal of widespread support in reaching broad consensus had to be formed before any vote could be taken in consideration. Important was also to not letting the reform of the Council shadow reforms on other areas in the organisation.<sup>64</sup>

### 6.3.6 Sweden

The Swedish government welcomed the proposals on reform presented by Kofi Annan on the enlargement of the Security Council. The working methods and the composition are important features that need to be looked over for the Council to gain credibility and to reflect the world of today, stated Anders Lindén at the General Assembly plenary meeting in 2005. Sweden encouraged a decision being taken by broad support before the September Summit, expressly stating the time for action had come.<sup>65</sup> According to Laila Freivalds, the foreign minister at that time, the unwillingness to action within some states could come to constitute obstacles for the reform process, as well as the divergences of national, regional and political interest among states.<sup>66</sup>

Sweden said it to sympathize with the proposal presented by the G-4 but had concerns regarding two aspects of the draft. Since the Swedish preferences are to limit the right of veto as existing today, eventually leading to a “veto free” world, there could be no expansion on the veto power. A decision on the veto question, taken in the General Assembly 15 years after the reform would have been adopted, as suggested by the G-4, would therefore not be in the interest of the UN. A clause review however would be welcomed by Sweden in that it would establish legitimacy for the Council knowing that the responsibilities for the permanent members were being fulfilled. The review was suggested to occur periodically and the permanent members could risk losing their seats, if not having passed such a review followed by a two-third majority in the General Assembly on the exclusion from permanency. That is, according to Sweden, the review of the Council ought to be extended and strengthened. Taking these two aspects in consideration would legitimize and render the Council more accountable and effective.<sup>67</sup>

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<sup>64</sup> Summary of statement from China made by Wang Guangya on the fifty-ninth General Assembly plenary meeting (GA/10367), 11 July 2005, <[www.un.org/News/Press/docs/2005/ga10367.doc.htm](http://www.un.org/News/Press/docs/2005/ga10367.doc.htm)>, visited 20 December 2007.

<sup>65</sup> Summary of statement from Sweden made by Anders Lindén on the fifty-ninth General Assembly plenary meeting (GA/10367), 11 July 2005, <[www.un.org/News/Press/docs/2005/ga10367.doc.htm](http://www.un.org/News/Press/docs/2005/ga10367.doc.htm)>, visited 20 December 2007.

<sup>66</sup> Laila Freivalds, 'FN måste reformeras', *Svenska Dagbladet* (9 May 2005), <[www.svd.se/opinion/brannpunkt/artikel\\_419745.svd](http://www.svd.se/opinion/brannpunkt/artikel_419745.svd)>, visited 15 January 2008.

<sup>67</sup> Summary of statement from Sweden made by Anders Lindén on the fifty-ninth General Assembly plenary meeting (GA/10367), 11 July 2005, <[www.un.org/News/Press/docs/2005/ga10367.doc.htm](http://www.un.org/News/Press/docs/2005/ga10367.doc.htm)>, visited 20 December 2007.

## 6.4 Permanent or non-permanent model?

Summing up the advantages and disadvantages of each of the two models in the Annan proposal, they seem to have more in common than at first impression. Both would distribute the nine new seats equally among the geographical areas and both are opposed the rights to veto for the additional seats.

Merit to model B is above all the flexibility it would provide through the re-electable seats. As a consequence of that phenomenon stronger predominance would come to the non-permanent members, diminishing the permanent five to constitute one-fifth of the Council membership. One of the drawbacks of both models is the disclosure of states like Indonesia and Pakistan, states holding high population numbers. Above reasoning is based on the assumption of the two Asian and the Pacific seats going to Japan and India, leaving major states outside the decision-making body. In accordance to model B, Indonesia and Pakistan would have to run for the two-year non-renewable seat to have their say, competing with states holding much smaller populations. On this matter Yehuda Z. Blum in one of his articles consequently proposed to enlarge the number of seats in the Council to 25, adding a third seat to the area of Asia and the Pacific.<sup>68</sup> The possibility of such a modification of the proposed models was approved by the Secretary General already at the presentation of the reform proposals, when endorsing member states to consider his proposals on reform or “any other viable proposals in terms of size and balance that have emerged on the basis of either model.”<sup>69</sup>

Objections have been directed towards the 2005 reform proposals, referring to the intentions behind the formation of the Security Council in 1945. The principle of “sovereign equality of all member states”, listed in Article 2(1) of the UN Charter, finds its expression at the formal level of the General Assembly, every member state holding one vote each. Irrespective of size or population the states attain the same status and no privileges apply. Consequently, the General Assembly is often referred to as the “democratic” organ of the UN, something that does not apply to the Security Council, and never has with its five permanent members and the rights of veto. Instead ‘effectiveness’ and ‘responsibility’ are watchwords for the Council. The panel emphasized in its report that,

“[t]he Security Council was designed to enable the world body to act decisively to prevent and remove threats. It was created to be not just a representative but a *responsible* body, one that had the capacity for decisive action...

...

... Thus, the challenge for any reform is to increase both the *effectiveness* and the credibility of the Security Council...”<sup>70</sup>

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<sup>68</sup> Blum, *supra* note 49, p. 643.

<sup>69</sup> *In Larger Freedom: Towards Development, Security and Human Rights for All*, *supra* note 46, para. 170.

<sup>70</sup> *A More Secure World: Our Shared Responsibility*, *supra* note 45, paras. 244, 248.

However, the panel did also underline the need for a more democratic nature of the decision-making body, making it more representative and accountable.<sup>71</sup> According to opponents of the proposals, this is not in conformity with the intentions of the founder of the United Nations, seen to the structure and character of the UN organs.

Another concern among member states has been the undemocratic character of adding permanent members to the Council. The UFC meant that the G-4 suggestion on six new permanent members stood in contrast with the UN Charter and the principle on sovereign equality. Eleven permanent members would leave 181 states competing for fourteen non-permanent seats and exclude representation of other equally qualified members. In addition, the proportion between permanent and non-permanent would change, making the dynamic in the Council almost one to one. The aspiration towards a more representative Council would thereby fail, concentrating power into the hands of eleven states, marginalizing the rest of the UN members. By expanding the number of permanent members the efficiency of the Council would hardly neither improve, which was one of the main tasks expressly stated by the Secretary General in his report.<sup>72</sup>

The UFC had also concerns regarding which other privileges permanency could come to bring. Veto power, the right to be permanently present at the General Committee of the General Assembly, the right to permanently have a judge at the International Court of Justice along with occupying key positions in the UN system, are all privileges possessed by the original permanent members. It is thereby vital to clarify whether there'll be privileges amongst the privileged or if they'll all enjoy the same advantages.<sup>73</sup>

The G-4 group on the other hand, saw the demand on consensus as an attempt to slower the procedure or as an excuse for not acting on the matter. When the Security Council was expanded in 1965 from eleven to today's fifteen members it occurred through vote and not by consensus, they argued.<sup>74</sup>

## 6.5 Membership for whom?

One problem with the G-4 draft could be, as Ayca Ariyörük described in the article *Players and Proposals in the Security Council Debate* in July 2005, that the choice might become too difficult. Wanting to vote for one or two of the four for permanency could lead to only Japan and Germany getting elected, as the second and third largest financial contributors to the UN after the U.S. However, this could cause great disturbance and harm the

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<sup>71</sup> *Ibid.* para. 249(b),(d).

<sup>72</sup> Iftikhar, *supra* note 57.

<sup>73</sup> *Ibid.*

<sup>74</sup> Ariyörük, *supra* note 53.

credibility of the Council when dominated by northern industrialised states and Europe containing three of the seats. On the other hand, she continued, expanding the Council to include all six seats could show being to go too far, considering that a truly democratic model would work for just the opposite, which is eliminating the privileges in the Council instead of expanding them.<sup>75</sup>

On this matter Ian Williams wrote in one of his articles for the *Foreign Policy in Focus*, agreeing on an expansion not being the way we would want to go when reforming the Security Council. The United States had promised its support on the G-4 proposal to Japan as a permanent member in return for its loyalty in Iraq. Still this would mean something good would come out for Germany so in the end the U.S. and China, who wouldn't want Japan in the Council, opposed the G-4 proposal in all. According to Williams the U.S. decision, even though made for the wrong reasons, was correct in saying that all the proposals under discussion would result in a too large Security Council, the concern being the efficiency of the Council.<sup>76</sup>

The United States position in the UN has always been very strong. As largest financial contributor to the UN and one of the permanent five with the right to veto, its influence is big and weigh heavily. But in relation to Japan who contributes almost as much as the U.S., and in addition doesn't use it as a leverage to get their will, the differences in influence between the two states is remarkable, argued Williams. Another example is Germany who today pays more than any of the remaining four of the permanent five. However, giving Japan and Germany permanency would, as mentioned earlier, make the Council even more western governed. Considering 85 per cent of the peacekeeping operations come from developing countries, states like Brazil, India and others would want to have their say and along would more non-permanent seats have to be offered. The efficiency would once again be the one paying the price.<sup>77</sup>

About a week after the G-4's proposal the African states presented a quite similar proposal on reform for the Security Council. The key characteristics were the same, though it called for the right of veto for the new permanent members and in addition one more non-permanent seat saved for Africa.<sup>78</sup> Since an amendment of the Charter needs a majority of two-thirds in the General Assembly the G-4 tried to get the vote of the AU with its 53 member states, to reach the result needed. At a meeting in London with representatives of the AU and the foreign ministers of the G-4 the two groups tried by compromise to come to an agreement before the top meeting

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<sup>75</sup> *Ibid.*

<sup>76</sup> Ian Williams, 'Security Council Reform Debate Highlights Challenges Facing UN', *Foreign Policy in Focus* (10 October 2005), <[www.fpif.org/fpiftxt/230](http://www.fpif.org/fpiftxt/230)>, visited 15 January 2008.

<sup>77</sup> *Ibid.*

<sup>78</sup> AU's Draft Resolution to the General Assembly, *Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters* (A/59/L.67), 14 July 2005, <[www.un.org/Docs/journal/asp/ws.asp?m=A/59/L.67](http://www.un.org/Docs/journal/asp/ws.asp?m=A/59/L.67)>, visited 15 January 2008.

in September 2005. The G-4 were to increase their request for four new permanent members to meet with AU's five, and in exchange the AU would drop their demand on veto for permanent members. Although, in the end the two couldn't come to an agreement and the AU conducted its cause on its own.<sup>79</sup>

Rivalry amongst African states has however complicated and undermined the AU proposal. At least five states were aspiring for a seat in the Council - South Africa, Nigeria and Egypt being the stronger ones. To ensure they were not going to get a veto against them they all would have to get favored by the permanent five, which means in part give up their independence. However, this phenomenon is not restricted to African countries but rather the contrary. All the candidates for permanent membership have been subjected for rivalry by their neighbours. Pakistan and Indonesia opposed India, Argentina and Mexico opposed Brazil, Italy and Spain opposed Germany and China and South Korea has since the beginning been opponents to Japan entering the Council.

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<sup>79</sup> 'Reform of the United Nations Security Council – the German Position', *Federal Foreign Office* (1 November 2005), <[www.diplo.de/diplo/en/Aussenpolitik/VereinteNationen/DinVN/SRdeutschPosition.htm](http://www.diplo.de/diplo/en/Aussenpolitik/VereinteNationen/DinVN/SRdeutschPosition.htm)>, visited 20 December 2007.

# 7 Revising the proposals

## 7.1 The World Summit 2005

At the World Summit, held from 14 to 16 September 2005, more than 150 Heads of State met at the UN Headquarters in New York; the largest number of world leaders gathered in history. After months of negotiating and reviewing governments around, the Summit was to collocate the proposals set out by Kofi Annan in his report *In Larger Freedom* in March earlier that year. The outcome though did not come up to the expectations the Secretary General had hoped for, as the UN member states could not agree on any specific method towards the reform the world so long had been waiting for.

Just weeks before the Summit the U.S. announced objections to the proposals, shattering the negotiations. John Bolton, the UN ambassador for the U.S., presented a hundred amendments, the most important ones being to strike out all mention from the final document on the Millennium Development Goals from 2000 and the references made to the U.S. rejection of the Comprehensive Test Ban Treaty, the International Criminal Court and the Kyoto Protocol.<sup>80</sup> This U.S. tactic triggered a series of states to point out their desires needing to be fulfilled in order to join for a consensus. The divergences were so steep, around 140 disagreements on 27 unresolved issues, that the outcome could only be a lowest common denominator and according to some not much better than not having reached a deal at all.<sup>81</sup>

The world was confused on the U.S. agenda and distrust towards it had started to grow, the U.S. taking action on its own in Iraq 2003. A debated question since then has been the influence and power the U.S. possesses over the UN. For some states an enlargement of the Council could mean a counter-weight towards the U.S. and serve to level the American-dominated power. As described by Soeren Kern in his article *Will the United Nations be reformed?* the UN is dependent on a committed U.S. and inseparably linked together. Commenting on the role Bolton played on the outcome of the reform process Kern wrote: “As a consequence, UN reform cannot properly be understood apart from the dynamics of American domestic politics”.<sup>82</sup> Further reasoning in this direction has been presented by Thomas G. Weiss declaring that the prime question for reform, the

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<sup>80</sup> Jeffrey Laurenti, ‘Summit Assymetry: The United States and UN Reform’, Vol. XXXV, No. 4, *The International Spectator* (2005), <[www.globalpolicy.org/msummit/millenni/2005/1201asymmetry.pdf](http://www.globalpolicy.org/msummit/millenni/2005/1201asymmetry.pdf)>, visited 20 December 2007.

<sup>81</sup> UN General Assembly, *World Summit Outcome Document* (A/Res/60/1), 16 September 2005, <[www.un.org/summit2005/](http://www.un.org/summit2005/)>, visited 20 December 2007.

<sup>82</sup> Soeren Kern, *Will the United Nations be reformed?*(ARI 131/2005), 3 November 2005, <[www.soerenkern.com/web/?p=12](http://www.soerenkern.com/web/?p=12)>, visited 15 January 2008.

expansion of permanent seats in the Council, is not as significant, considering the power runs largely from Washington and not New York.<sup>83</sup>

The blocking through veto of the permanent five and the competition for seats among member states were baneful. The goals at the Summit were set for a Security Council more transparent, effective and legitimate, enabled through a broader representatively in the Council. However, no timeline for these changes were set or methods on how to achieve them. The member states could only agree to disagree on the issue of a Council reform, and review on progress was set to take place in the end of 2005. The reform process was put in stalemate as many times before. Repeated commitments were made, as at the earlier General Assembly's 50<sup>th</sup> session in 1995 and the UN Millennium Summit Meeting in 2000.<sup>84</sup>

Failing on the Security Council reform the most significant outcome of the meeting was the creation of a Peacebuilding Commission and the acknowledgement on international responsibility for people's protection from genocide, war crimes and ethnic cleansing.<sup>85</sup>

## 7.2 Recent work on reform

Since the setback in 2005 little has changed. The lack of consensus is largely attributable to the antagonism between states aspiring for permanent seats and those either wishing to prevent further states attaining permanency or opposing the veto power.

In the beginning of 2007 five ambassadors were appointed by the President of the General Assembly, Haya Rashed Al Khalifa, to execute wide-ranging consultations on the Security Council reform process. It resulted in the *Facilitators' Compiled Report*<sup>86</sup>, circulated amongst member states in April. Some states were eager on wanting the President to precede concrete negotiations on basis of the report, whilst others requested further consultations on the matter. Another two facilitators were added to the

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<sup>83</sup> Thomas G. Weiss, 'The Illusion of UN Security Council Reform', 26:4, *The Washington Quarterly* (2003), <[www.twq.com/03autumn/docs/03autumn\\_weiss.pdf](http://www.twq.com/03autumn/docs/03autumn_weiss.pdf)>, visited 20 December 2007.

<sup>84</sup> UN General Assembly, *Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization* (A/Res/50/52), 15 December 1995, <[www.un.org/documents/ga/res/50/ares50-52.htm](http://www.un.org/documents/ga/res/50/ares50-52.htm)>, visited 20 December 2007, and *United Nations Millennium Declaration*, *supra* note 47.

<sup>85</sup> *World Summit Outcome Document*, *supra* note 81.

<sup>86</sup> Report of the Facilitators to the President of the General Assembly on the Consultations Regarding 'The Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council', *United Nations New York*, (19 April 2007), <[www.un.org/ga/president/61/letters/SC-Reform-Facil-report-20-April-07.pdf](http://www.un.org/ga/president/61/letters/SC-Reform-Facil-report-20-April-07.pdf)>, visited 15 January 2008.

group in May and the work continued throughout the summer, laying the ground for the General Assembly sessions in the fall.<sup>87</sup>

Between 12 and 14 November the General Assembly met in plenary to further debate the still ongoing reform process. Since the World Summit two years ago, many meetings have been held and the debate has continued. At this point many members indicated their frustration over the slow pace. The obstacle according to most states is the question on how to achieve a small enough Council to make it efficient, still being large enough to make it legitimate and effective. The working methods of the Council were also mentioned at the plenary meeting as to become more transparent and accountable. However, little progress has been done considering the consensus has not moved forward since the World Summit in 2005, still recognizing the need for reform but not the means. Continued divisiveness and groupings backing different proposals, still mainly consisting of the G-4, the Uniting for Consensus and the African Union, cause the stalemate in the General Assembly.<sup>88</sup>

Many member states were anxious on how the President of the General Assembly was to move the slow process forward, and sought an agenda illustrating the way in negotiations ahead. Instead Sgrjan Kerim left it up to the membership to take on the negotiations, according to some a weak approach for the President but to others correct, meaning it ought to be up to certain member states to “stick their neck out” on the issue.<sup>89</sup>

Unfortunately, no means or break-throughs on how to move the process forward were provided for by the members, or the President of the General Assembly, to further extent than intergovernmental negotiations. The question on how to unify the divided members enabling them to establish anything concrete stands unanswered.

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<sup>87</sup> ‘Security Council Reform Not Progressing’, *Reform theUN* (New York, 26 June 2007), <[www.reformtheun.org/index.php/eupdate/3364](http://www.reformtheun.org/index.php/eupdate/3364)>, visited 20 December 2007.

<sup>88</sup> Blum, *supra* note 49, p. 649.

<sup>89</sup> Jonas von Freiesleben, ‘General Assembly Debates Security Council: Still Slow Going’, *Center for UN Reform Education* (15 November 2007), <[www.centerforunreform.org/node/293](http://www.centerforunreform.org/node/293)>, visited 20 December 2007.



# 8 Analysis

The process on reforming the Security Council accelerated in the end of the 1990's. Since then a number of suggestions have been presented but the road to wander before reaching a more democratic Council seems far. Although most of the member states agree on a change and enlargement as necessary, the means on how to get there is probably one of the more difficult questions ever presented to the world community. For an amendment of the UN Charter a two-thirds majority is needed in the General Assembly and for the time being no proposal presented obtain that kind of support. Nevertheless, in the end it will all be settled by the permanent members of the Council through their right to veto.

## 8.1 Democracy and representation

In time with dramatically growing membership following the decolonisation, the composition of the decision-making body has gotten increasingly challenged. Only six African and Asian states were originally members of the UN, albeit two decades later half of the organisation's membership contained states from those continents. During the full 60 years that has past since the UN Charter was adopted only three times has amendments been made to the constitution, all dealing with the number of seats, once in the Security Council<sup>90</sup> and twice in the Economic and Social Council.<sup>91</sup>

As James A. Paul wrote in one of his articles: "The Security Council was never a democratic institution"<sup>92</sup>, enlightens the continuous form of the Council ever since the beginning in 1945. The permanent members are still the same and their advantages haven't changed. From a UN with members of 51 states - considered most of today's countries were then colonies - to its present 192 the power is still in the hands of the old 'Big Five'. The unique authority decisions taken by the Council obtain, rarely even questioned by the General Assembly or the International Court of Justice, defines what is acceptable conduct or what is not in the international arena.

Even though concerns for the Council members not being representative to the membership of today's UN are shared by many of its ambassadors the claims for change are not new, they have only grown stronger. During the Cold War and the paralyzation of the Council due to the excessive use of vetoes, there was a large unhappiness towards the permanent members' unwillingness to act. The call for change today is rather directed towards the

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<sup>90</sup> A/Res/1991, XVIII, *supra* note 13.

<sup>91</sup> *Ibid.* and UN General Assembly, *Enlargement of the Economic and Social Council* (A/Res/2847, XXVI), 20 December 1971, <[www.un.org/documents/ga/res/26/ares26.htm](http://www.un.org/documents/ga/res/26/ares26.htm)>, visited 15 January 2008.

<sup>92</sup> Paul, *supra* note 39.

conduct of the Security Council and the motivation behind it, often accused of carrying out the major powers' own hidden agenda, than the failure to act.<sup>93</sup>

The new activism in the Council with beginning after the Cold War is precisely what makes its failures more evident and a reform more urgent today than ever, argued James Paul and Céline Nahory in an article published in 2005. They described the permanent members as “a self-appointed oligarchy”, alluding to the privileges and powers of the five and especially emphasizing the importance on not just the number of states in the Council but on the power held by those states.<sup>94</sup>

Scholars referring to realism maintain that the Council must reflect the world's distribution of wealth and power, and not the idea of what the world ought to look like in words of justice and fairness. However, a reform seemingly 'realistic' today could easily become 'unrealistic'. The legitimacy of the Council is vital for its survival as the decision-making body of the world's largest multinational organisation and can therefore not only consist of the major powers of the world.<sup>95</sup>

Traditionally the Council issues a report to the General Assembly once a year, stating in a very formal and brief manner the activities taken that year. Reformers claim a more open Council is now needed to ensure the implementation of its resolutions, involving other member states in the working methods and enlightening them in the decision-making process. The former UN ambassador of the Netherlands stated his opinion on the matter,

“It is not acceptable that a body, which has been given the tremendous power and responsibility for the maintenance of international peace and security, should render its yearly account by way of a simple list of activities.”<sup>96</sup>

Some find that if the General Assembly demands and finally become more informed; it can assert and strengthen its own role in the UN system, balancing the power of the permanent five and regain its authority.

The calls on reform are also directed towards powerful governments ruling in the name of democracy, freedom etcetera, although having been known to behave despotically, breaking international law. The world community can not rely on a Security Council to solve problems whereas many of the problems are results of their own creations. It can be maintained that an addition to the Council by five or more so powerful governments of member states are not likely to ease this problem. It might just do the opposite by multiplying it. Some argue that a 'more representative' Council by added

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<sup>93</sup> *Ibid.*

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*

<sup>96</sup> Nicolaas Biegan in a speech to the General Assembly 1 November 1994 in Paul, *supra* note 39.

members adds more states with their own national interests to be taken in consideration.<sup>97</sup>

By letting special concerns of the permanent five take precedence over norms of international law created by the world community, the very reason behind the UN's existence – maintenance of world peace and security – is being undermined. The structure of the permanent members representing industrialized countries, with China as the sole representative of the poor countries of the South - Latin America, Africa and the Middle East having no regional presence at all – does not reflect the membership of today's UN. A Council better representing the world population and letting the voices of less powerful states get heard is a necessity to receive a more democratic Council. However, I would like to emphasize there are considerable differences to keep in mind on how to attain that goal.

## 8.2 Permanency and veto

A reform of the Council by enlargement is essential to increasing its legitimacy, as mentioned above. Yet, how an enlargement will affect the efficiency is not clear and widely disputed.

As many member states argue, the crises handled badly in Bosnia, Rwanda or Haiti occurred because the permanent members let their special interests take precedence over their responsibility towards the Council and international law. By a more representative and open Council the crisis of the future would stand much better chances, they argue. Others claim increasing the number of member states would only slow down the Council further, creating an even more ineffective body. By adding another nine members, they maintain, the power of the permanent five would instead of even out rather reinforce, leaving the elected members without power.<sup>98</sup> The former UN ambassador of the Netherlands Peter van Walsum share this opinion and made the following comment on the matter in 2005 in *the Financial Times*:

“No one can seriously believe a council with 24 members can be more effective than one with 15, but it has become politically incorrect to point this out.”<sup>99</sup>

In addition the abusive use of hidden vetoes makes the Council ineffective. Ever since the San Francisco Conference this has been a thorny matter, the governments of the world already then in opposition against it. By adding four new members to the Council in 1965 the growing organisation were to be better represented, but it didn't effect the division on power - the permanent five still equipped with the right to veto.

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<sup>97</sup> Paul, *supra* note 39.

<sup>98</sup> Paul and Nahory, *supra* note 40.

<sup>99</sup> Peter van Walsum, 'A hitch could still stall the momentum in favour of a P-11 UN Security Council', *Financial Times* (18 April 2005), <[www.ft.com/europe/](http://www.ft.com/europe/)>, visited 15 January 2008.

Further, the elected members only serve for a two year period without the possibility to get re-elected. This has led to the non-permanent members of today often playing the role as captives of great power politics hardly connecting with the needs of the peoples of the world. Since the veto has been used indiscriminately by the members of the permanent five to further their own national interests, often at the expense of the collective, eleven permanent members might just exclude all topics from the Council agenda, making it impossible to act efficiently as the decision-making world body. The question to which other privileges new permanent members would obtain does still remain unanswered.

Reformers therefore insist on easing the use of veto, to eventually result in its elimination. Hence the possibility for the permanent five waiving their right to veto is scarce and no amendment to the Charter is valid without their consent, a progressively strategy is needed. So far no grounds on vetoes being cast are required but voices for proof justifying the use has been raised. There are also proposals on restricting the use, for example two concurrent vetoes or vetoes only being allowed on Chapter VII decisions.<sup>100</sup>

One solution might be the G-4 and other aspirants for permanency gathering their strength in restricting the veto and supporting a regional approach for membership, while abandoning their request for seats in the Council. By pressuring the permanent five the veto on UN membership and election of Secretary General etcetera, would be eliminated. Subsequently joint efforts in the General Assembly to limit other privileges possessed by the permanent members could eventually lead to a more equal body and finally split the oligarchy now paralyzing the Council.<sup>101</sup>

By adding eight semi-permanent members and one non-permanent member according to model B in the Annan proposal, the problem with the short two-year term would in the least improve. A four-year period with the possibility to get re-elected could provide continuity and legitimacy that model A with the disadvantages of permanency could not. However, the question on efficiency needs to be clarified considering the many new members added to the Council.

Even though some criticisms relate to the size and some to the criteria on geographical basis, others claim the need for non-proliferation polices and democracy as a condition for membership. As far as the discussion on democracy goes it is a sensitive matter considering China and Russia both holding permanent seats. Egypt for example, being one of the prime contenders for permanency in a reformed Council, has been criticized for not being a satisfactory democracy.<sup>102</sup>

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<sup>100</sup> Paul, *supra* note 39.

<sup>101</sup> Paul and Nahory, *supra* note 40.

<sup>102</sup> Ryan Gawn, "Bold and Achievable" – the challenge of UN reform, <[www.ia-forum.org/Files/GPZZMW.doc](http://www.ia-forum.org/Files/GPZZMW.doc)>, visited 15 January 2008.

While the widespread consensus of today is to reform the Council by extending the number of members, there are those who support the status quo. The main argument often presented on retaining its composition is that the major powers of the world need privileges to secure their continuing involvement in the organisation. Other critics are pessimistic in their view on reform, not believing in an enlargement to change anything. The fundamental problem will still exist – the lack of will to action and the divergences of perceptions between states. They argue that the outcome of the debate in the Council before the war in Iraq would have been the same even though the number of members had been higher.

“The permanent five did not fall out over Iraq because they could not agree on the rules. They fell out because America and Britain claimed to have a different view from Russia, France and China about precisely the questions Mr. Annan would like them to pose in future: the seriousness of the threat, proportionality, chances of success and so on.”<sup>103</sup>

Others say although the Security Council will not be perfect, it will be improved by an enlargement - stating the same frame of mind as the member states at the outcome of the San Francisco Conference. Hereon speaks probably the world opinion while agreeing on the power distribution in the Council not well reflecting the contemporary world, after the fully 60 years that has past since the founding of the UN. The two seats taken by former world leading France and the United Kingdom, nowadays play a secondary roll in the international arena. The seat once held by the Soviet Union has been handed over to the reduced successor Russia, and China was for many years represented by the government of Taiwan. With the time that has past the power has switched hands of the world and the Security Council needs to reflect the realities of that world.<sup>104</sup>

### 8.3 Prospect and conclusion

When forming the Council after the World War II the permanent membership was ensured by and given to those holding the political and military power of that time. In time, the membership of the UN has changed and so has the power distribution of the contemporary world. To make multilateralism function better a reform of the Security Council is crucial. The 192 states with membership in the UN need to find ways to work in unison if they are to face the challenges confronting international peace and security effectively.

To the many different proposals on reform presented, alternative ways on how to make the Council more effective whilst improving its representativeness need to be taken in consideration and clarified. Firstly, the question to whether an expansion would be wise must be answered. As the past sixty years have proved permanency makes the Council inflexible. I hereon agree with the reasoning by Peter van Walsum earlier referred to in

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<sup>103</sup> *Ibid.*

<sup>104</sup> Paul, *supra* note 39.

this thesis. The result would be a body too large to conduct serious negotiations, meanwhile too small to represent the membership of the UN. In addition the right to veto, privileged to the permanent members, has blocked and prevented the Council to act on important matters and made it ineffective. It is hard to see how a number of new permanent members could ease the burden already weighing the Council.

Although, there seems to be a consensus on the developing countries to take seats in the Council, clearly being underrepresented, still no agreement on which countries ought to be added has been reached. A way to ease the process might be to allow representation by relevant regional associations, such as the African Union, the European Union, the Organisation of the Islamic Conference, the Association of South-East Asian Nations and the Organisation of American States, as suggested by Nico Schrijver in his article *Reforming the UN Security Council in Pursuance of Collective Security*. Other less drastic measures may very well show being effective. By improving the accountability and transparency through better working methods a larger number of member states would probably get affected, than through an enlargement of the Council.<sup>105</sup>

The veto has been and remains an obstacle to reform both because of the permanent five's vested interest in preserving power and because no provision in the Charter requires them to relinquish this right. A way of handling the question of veto, would preferably be restraining its use of today, rather than empowering further states with the right. By restricting the permanent five to only exercise its rights to veto on matters falling under the obligatory provisions of enforcement decisions taken under Chapter VII of the Charter, or for them to abstain from veto concerning humanitarian intervention where they do not have vital interests, an improvement of the misuse of the veto could be made without any Charter amendment. Such restraints would offer no guarantees of course, but could help to reduce the most dreadful consequences due to their conduct in fast time.

The question whether to choose Kofi Annan's plan A or B is based on the advantages or disadvantages new permanency could bring to the Council, as discussed earlier. The main problem though seems to be the continuing understanding amongst UN members to agree to disagree.

Within the European Union states are divided, with Germany heading one camp and Italy the other. Together with the strict conditions on reform presented by the U.S. and a general distrust towards the Council by members of developing countries, the body has become less effective and the work for reform unprogressive. Until the domestic politics of the U.S. and the EU quits getting precedence over securing international peace and security, the divisions are likely to continue plaguing the reform process.

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<sup>105</sup> Nico Schrijver, 'Reforming the UN Security Council in Pursuance of Collective Security', 12:1, *Journal of Conflict and Security Law* (Oxford University Press 2007), pp. 127-138.

The European Union has traditionally been more supportive of international organisations like the UN in comparison with the United States, but the divisions within the union, especially concerning the permanent seat for Germany, has not helped the reform on progressing. The U.S., on the other hand, needs to show better commitment by largely contributing to peacekeeping missions and not using its economic status or power to perpetrate financial threats to the organisation. That goes for all of the permanent five, as mentioned earlier in this thesis, not having contributed nearly what could be expected of members so central to the organisation.

The inequality in the UN decision-making is striking. All states of the General Assembly have one vote each being big or small according to the Charter, and the power is concentrated to the members of the Security Council. The permanent five can veto any changes to the Charter, including amendments decreasing their power. Instead of trying to find a solution by expanding the Council the effort might be better concentrated to revive the General Assembly, reforming it to a much more relevant body.

One solution could be adopting “the General Assembly in Emergency Special Session under the ‘Uniting for Peace’ procedure”, although it has only been used three times in the past.<sup>106</sup> The original “Uniting for Peace” resolution contained a clause enabling voluntary creation of UN force where the Security Council had failed to act, presumably through the blocks of veto.<sup>107</sup> This authorization of military action through the General Assembly could be very useful trying to evade a veto being cast on the issue. On the other hand, a two-thirds majority is needed in the Assembly, in addition with the body’s resolutions only serving as recommendations. Still, the moral and political weight of such a decision could very well counterbalance for it to proof ‘legal’, without the approval of the Council, resulting in a type of legitimately never possible to be obtained by the normally decision-making body of today.<sup>108</sup>

Another concern on an enlargement of the Council could be resentful states not having been included amongst those of more privileged status. Such ‘middle powers’ could seek alternative models as the one presented in 1992 by Professor Louis Sohn, referred to as the Model Duo. The concept is a dual seating, where two states get elected for one seat, taking turns in sitting at the Council table, and consulting each other on all issues on the agenda. The model suggests six-year terms seats divided in regional areas. This could give states of medium-size and power the opportunity to effect by co-chairing for a longer term than the two-year seats as for the time being.

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<sup>106</sup> Boycotts against Italy by the League of Nations in the 1930’s, in the early 1960’s for Congo and against South Africa by the UN until the end of apartheid in the early 1990’s.

<sup>107</sup> International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect* (XIII), December 2001, <[www.iciss.ca/pdf/Commission-Report.pdf](http://www.iciss.ca/pdf/Commission-Report.pdf)>, visited 20 December 2007.

<sup>108</sup> Weiss, *supra* note 83.

Meanwhile the Model Duo would also bring better ‘representativeness’ to the Council.<sup>109</sup>

In the facilitators’ report of 2007, member states opinions for reform was presented. Even though the report shows a majority are critical to the veto, most UN members wish the matter to be discussed and handled in the last stage of reform negotiations. The reason is the permanent members protecting their interests, which makes a veto discussion in the early phase of the negotiations lost before it has even started. Yukoi Satoh says it is the permanent five’s responsibility to act for the reform to progress. He also appoints the U.S.’s vital leadership on the matter, hoping that the experiences of Iraq might lead them back to the apprehension on multilateralism as important. What better way, he argues, to demonstrate a renewed commitment to the UN than through Security Council reform?<sup>110</sup>

Although the international community needs the involvement and support of the world major powers, they often fail to meet the responsibilities laid upon them. Permanent members have offered few troops and military support to the peacekeeping operations authorized by the Council and adopted resolutions have been dismissed without being realized. There is a constant peril of them not carrying out their fees, putting the organisation’s finances in danger. To receive a more effective and trustworthy Council the permanent five needs to establish a firmer commitment to the obligations provided by the statute. As the developing world is already doubtful of “the North’s” proposals on reform, a ‘good will’ needs to impregnate the reform negotiations. The EU and the members of the Council need to start working towards the same goal, resolving internal disputes, demonstrating for the rest of the world a stronger desire for a more effective and successful UN.

As in the General Assembly small as well as big have the same possibility to affect, each and one of the member states holding one vote. While in the Security Council, the power is ensured the one holding the political and financial influence of the world. Joint action for revival of the Assembly, making it a much more relevant body could accomplish a counterweight, fighting the deadlock in the Council. Much could probably also be gained through improved working methods. Briefings with experts and better co-operation with other international agencies, as the UN’s own World Food Programme and UNICEF, together with agencies as the group of the World Bank and regional associations and most importantly, better listening to the voices of states affected by the Security Council discussions and decisions. Since none of these improvements would need any Charter amendment and no institutional change seems to lie in the near future, they could easily and rapidly, although not drastically, reform the work of the Council.

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<sup>109</sup> Walter Hoffman, ‘Model Duo: Could Dual Seating Break the deadlock on Security Council Reform?’, No. 13, *UN Reform Watches* (19 April 2006), <[www.centerforunreform.org/node/57](http://www.centerforunreform.org/node/57)>, visited 20 December 2007.

<sup>110</sup> Yukoi Satoh, *Security Council Reform: The P5’s Responsibility to Act* (1 October 2007), <[www.jiia.or.jp/en\\_commentary/pdf/AJISS-Commentary12.pdf](http://www.jiia.or.jp/en_commentary/pdf/AJISS-Commentary12.pdf)>, visited 20 December 2007.



# Bibliography

## Literature

- Bennis, Phyllis *En kuvad världsdemokrati – hur Washington dominerar dagens FN*, (TankeKraft Förlag Stockholm, 2004).
- Baehr, Peter R.  
Gordenker, Leon *The United Nations at the End of the 1990s*, third edition, (Macmillan Press Ltd, London 1999).
- Conforti, Benedetto *The Law and the Practice of the United Nations*, third revised edition, (Martinus Nijhoff Publishers, Leiden 2005).
- Daws, Bailey *The Procedure of the Security Council*, third edition, (Clarendon Press, Oxford 1998).
- Moore, John Allphin Jr.  
Pubantz, Jerry *The New United Nations International Organization in the Twenty-first Century*, (Pearson Education, Inc., New Jersey, 2006).
- Shaw, Malcolm N. *International Law*, fifth edition (Cambridge University Press 2003).

## Articles

- Annan, Kofi “‘In Larger Freedom’: decision time at the UN”, *Foreign Affairs*, (May/June 2005), <[www.foreignaffairs.org/20050501faessay84307-p10/kofi-annan/in-larger-freedom-in-decision-time-at-the-un.html](http://www.foreignaffairs.org/20050501faessay84307-p10/kofi-annan/in-larger-freedom-in-decision-time-at-the-un.html)>, visited 20 December 2007.
- Ariyoruk, Ayca ‘Players and Proposals in the Security Council Debate’, *Center For UN Reform Education*, (3 July

- 2005),  
<[www.centerforunreform.org/](http://www.centerforunreform.org/)>,  
visited 15 December 2007.
- Blum, Yehuda Z. ‘Proposals for UN Security Council Reform’, Vol. 99, No. 3, *The American Journal of International Law*, (July 2005),  
<[www.jstor.org/](http://www.jstor.org/)>, visited 21 December 2007.
- Federal Foreign Office *Reform of the United Nations Security Council – the German position* (1 November 2005),  
<[www.diplo.de/diplo/en/Aussenpolitik/VereinteNationen/DinVN/SRdeutschePosition.htm](http://www.diplo.de/diplo/en/Aussenpolitik/VereinteNationen/DinVN/SRdeutschePosition.htm)>, visited 21 December 2007.
- Freiesleben von, Jonas ‘General Assembly Debates Security Council: still slow going’, *Center for UN Reform Education*, (15 November 2007),  
<[www.centerforunreform.org/node/293](http://www.centerforunreform.org/node/293)>, visited 20 December 2007.
- Freivalds, Laila ‘FN måste reformeras’, *Svenska Dagbladet*, (9 May 2005),  
<[www.svd.se/opinion/brannpunkt/artikel\\_419745.svd](http://www.svd.se/opinion/brannpunkt/artikel_419745.svd)>, visited 15 January 2008.
- Gawn, Ryan “*Bold and Achievable*” – *the challenge of UN reform*, <[www.iaforum.org/Files/GPZZMW.doc](http://www.iaforum.org/Files/GPZZMW.doc)>,  
visited 15 January 2008.
- Hoffman, Walter ‘Model Duo: Could Dual Seating Break the deadlock on Security Council Reform?’, No. 13, *UN Reform Watches* (19 April 2006),  
<[www.centerforunreform.org/node/57](http://www.centerforunreform.org/node/57)>, visited 20 December 2007.
- Iftikhar, Ali ‘Italy/Pakistan-led group slams G-4’s approach on UNSC expansion’, *The Nation on Web* (27 May 2005),  
<[39](http://www.nation.com.pk/daily/may-</a></p></div><div data-bbox=)

- 2005/27/index9.php>, visited 20 December 2007.
- Kern, Soeren *Will the United Nations be Reformed?* (ARI 131/2005), 3 November 2005, <[www.soerenkern.com/web/?p=12](http://www.soerenkern.com/web/?p=12)>, visited 15 January 2008.
- Laurenti, Jeffrey 'Summit Asymmetry: The United States and UN Reform', Vol. XXXV, No. 4, *The International Spectator* (2005), <[www.globalpolicy.org/msummit/millenni/2005/1201asymmetry.pdf](http://www.globalpolicy.org/msummit/millenni/2005/1201asymmetry.pdf)>, visited 20 December 2007.
- Luck, Edward C. 'Power, Reform and the Future of the United Nations', No. 14, *Vanguardia/Dossier* (February/March 2005), <[www.sipa.columbia.edu/cio/cio/projects/LuckVanguardia.pdf](http://www.sipa.columbia.edu/cio/cio/projects/LuckVanguardia.pdf)>, visited 15 January 2008.
- Nahory, Céline 'The Hidden Veto', *Global Policy Forum* (May 2004), <[www.globalpolicy.org/](http://www.globalpolicy.org/)>, visited 20 December 2007.
- Paul, James A. 'Security Council Reform: Arguments about the Future of the United Nations System', *Global Policy Forum* (February 1995), <[www.globalpolicy.org/](http://www.globalpolicy.org/)>, visited 21 December 2007.
- Paul, James A.  
Nahory, Céline 'Theses Towards a Democratic Reform of the UN Security Council', *Global Policy Forum* (13 July 2005), <[www.globalpolicy.org/](http://www.globalpolicy.org/)>, visited 20 December 2007.
- Reform the UN 'Security Council Reform not Progressing', *ReformtheUN.org*, (New York 26 June 2007), <[www.reformtheun.org/index.php/](http://www.reformtheun.org/index.php/)>

- eupdate/3364>, visited 20 December 2007.
- Russell, Ruth B. 'A History of the United Nations Charter: The Role of the United States 1940-1945', Vol. 65, No. 3, *The American Historical Review*, <[www.jstor.org](http://www.jstor.org)>, visited 20 December 2007.
- Satoh, Yukio *Security Council Reform: The P5's Responsibility to Act* (1 October 2007), <[www.jiia.or.jp/en\\_commentary/pdf/AJISS-Commentary12.pdf](http://www.jiia.or.jp/en_commentary/pdf/AJISS-Commentary12.pdf)>, visited 20 December 2007.
- Schrijver, Nico 'Reforming the UN Security Council in Pursuance of Collective Security', 12(1), *Journal of Conflict and Security Law* (Oxford University Press 2007).
- U.S. Department of State 'U.S. priorities for a stronger, more effective United Nations', *Bureau of Public Affairs Washington DC* (8 September 2005), <[www.state.gov/r/pa/scp/2005/52982.htm](http://www.state.gov/r/pa/scp/2005/52982.htm)>, visited 20 December 2007.
- Walsum van, Peter 'A hitch could still stall the momentum in favour of a P-11 UN Security Council', *Financial Times* (18 April 2005), <[www.ft.com/europe/](http://www.ft.com/europe/)>, visited 15 January 2008.
- Weiss, Thomas G. 'The Illusion of UN Security Council Reform', 26:4, *The Washington Quarterly* (2003), <[www.twq.com/03autumn/docs/03autumn\\_weiss.pdf](http://www.twq.com/03autumn/docs/03autumn_weiss.pdf)>, visited 20 December 2007.
- Williams, Ian 'Security Council Reform Debate Highlights Challenges Facing UN', *Foreign Policy in Focus* (10 October 2005),

<[www.fpiif.org/fpiftxt/230](http://www.fpiif.org/fpiftxt/230)>, visited 15 January 2008.

## International instruments

Charter of the United Nations	signed 26 June 1945, San Francisco, into force 24 October 1945.
Vienna Convention on the Law of Treaties	signed 23 May 1969, into force 27 January 1980, U.N.T.S, Vol. 1155, p.331.
Covenant of the League of Nations	signed 28 June 1919, into force 10 January 1920.

## UN documents and publications

A/Res/1991 (XVIII)	UN General Assembly, <i>Question of Equitable Representation on the Security Council and the Economic and Social Council</i> , 17 December 1963, < <a href="http://www.un.org/documents/ga/res/18/ares18.htm">www.un.org/documents/ga/res/18/ares18.htm</a> >, visited 20 December 2007.
A/Res/2847 (XXVI)	UN General Assembly, <i>Enlargement of the Economic and Social Council</i> , 20 December 1971, < <a href="http://www.un.org/documents/ga/res/26/ares26.htm">www.un.org/documents/ga/res/26/ares26.htm</a> >, visited 15 January 2008.
A/42/574	Mikhail Gorbachev, <i>Reality and Safeguards for a Secure World</i> , 18 September 1987.
S/Res/687	UN Security Council, <i>Concerning the Implementation of Security Council Resolution 660</i> , 27 November 1990, < <a href="http://www.un.org/Docs/scres/1990/scre90.htm">www.un.org/Docs/scres/1990/scre90.htm</a> >, visited 20 December 2007.

- ICJ Reports 1993  
Case concerning application of the convention on the prevention and punishment of the crime of genocide, *Bosnia and Herzegovina v. Yugoslavia*, 13 September 1993, <[www.un.org/law/icjsum/9328.htm](http://www.un.org/law/icjsum/9328.htm)>, visited 15 January 2008.
- ISBN 0-19-827998-1  
Report of the Commission on Global Governance, *Our global neighbourhood* (Oxford University Press 1995), <[www.sovereignty.net/p/gov/gganalysis.htm](http://www.sovereignty.net/p/gov/gganalysis.htm)>, visited 20 December 2007.
- A/Res/50/52  
UN General Assembly, *Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization*, 15 December 1995, <[www.un.org/documents/ga/res/50/ares50-52.htm](http://www.un.org/documents/ga/res/50/ares50-52.htm)>, visited 20 December 2007.
- A/51/950  
Report to the General Assembly by the Secretary General, *Renewing the United Nations: A programme for reform*, 14 July 1997, <[www.un.org/millennium/documents/a\\_51\\_950\\_add7.htm](http://www.un.org/millennium/documents/a_51_950_add7.htm)>, visited 20 December 2007.
- S/1999/1257  
Report of the Independent UN Inquiry into the Actions of the UN during the 1994 genocide, in Rwanda, commissioned by Secretary General Kofi Annan to the president of the Security Council, 15 December 1999, <[www.un.org/Docs/sc/letters/1999/sglet.htm](http://www.un.org/Docs/sc/letters/1999/sglet.htm)>, visited 21 December 2007.
- A/Res/55/2  
UN General Assembly, *United Nations Millennium Declaration*, 8 September 2000,

- <[www.un.org/millennium/declarations/ares552e.htm](http://www.un.org/millennium/declarations/ares552e.htm)>, visited 21 December 2007.
- S/PV.4363 Statement at the *Security Council Wrap-Up Session*, 31 August 2001, <[www.un.org/Docs/sc/presidency/4363e.pdf](http://www.un.org/Docs/sc/presidency/4363e.pdf)>, visited 21 December 2007.
- ICISS International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (XIII), December 2001, <[www.iciss.ca/pdf/Commission-Report.pdf](http://www.iciss.ca/pdf/Commission-Report.pdf)>, visited 20 December 2007.
- A/57/387 Report to the General Assembly by the Secretary General, *Strengthening of the United Nations: An agenda for further change*, 9 September 2002, <[www.un.org/ga/57/document.htm](http://www.un.org/ga/57/document.htm)>, visited 20 December 2007.
- A/59/565 Report of the High-Level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, 29 November 2004, <[www.un.org/secureworld/report.pdf](http://www.un.org/secureworld/report.pdf)>, visited 21 December 2007.
- A/59/2005 Report to the General Assembly by the Secretary General, *In Larger Freedom: Towards Development, Security and Human Rights for All*, 21 March 2005, <[www.un.org/inlargerfreedom/](http://www.un.org/inlargerfreedom/)>, visited 20 December 2007.
- A/59/L.64 G-4 Draft Resolution to the General Assembly, *Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters*, 6 July 2005, <[www.un.org/Docs/journal/asp/ws](http://www.un.org/Docs/journal/asp/ws)>.

- asp?m=A/59/L.64>, visited 15 January 2008.
- GA /10367 Press Release, on the fifty-ninth General Assembly plenary meeting, 11 July 2005, <[www.un.org/News/Press/docs/2005/ga10367.doc.htm](http://www.un.org/News/Press/docs/2005/ga10367.doc.htm)>, visited 20 December 2007.
- GA/10368 Press release, on the fifty-ninth General Assembly plenary meeting, 12 July 2005, <[www.un.org/News/Press/docs/2005/ga10368.doc.htm](http://www.un.org/News/Press/docs/2005/ga10368.doc.htm)>, visited 20 December 2007.
- A/59/L.67 AU's Draft Resolution to the General Assembly, *Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters*, 14 July 2005, <[www.un.org/Docs/journal/asp/ws.asp?m=A/59/L.67](http://www.un.org/Docs/journal/asp/ws.asp?m=A/59/L.67)>, visited 15 January 2008.
- A/59/L.68 UFC's Draft Resolution to the General Assembly, *Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters*, 21 July 2005, <[www.un.org/Docs/journal/asp/ws.asp?m=A/59/L.68](http://www.un.org/Docs/journal/asp/ws.asp?m=A/59/L.68)>, visited 15 January 2008.
- A/Res/60/1 UN General Assembly, *World Summit Outcome Document*, 16 September 2005, <[www.un.org/summit2005/](http://www.un.org/summit2005/)>, visited 20 December 2007.
- UNiFEED 'UN/France G-4', *UNiFEED*, 30 May 2005, <[www.un.org/unifeed/script.asp?script+Id=274](http://www.un.org/unifeed/script.asp?script+Id=274)>, visited 15 January 2008.



Report of the Facilitators to the President of the General Assembly on the Consultations Regarding “*The Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council*”, United Nations New York, 19 April 2007, <[www.un.org/ga/president/61/letters/SC-Reform-Facil-report-20-April-07.pdf](http://www.un.org/ga/president/61/letters/SC-Reform-Facil-report-20-April-07.pdf)>, visited 15 January 2008.