



Dialogue **on** Globalization

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Thomas G. Weiss

Overcoming the Security Council Reform Impasse

The Implausible versus the Plausible

Dialogue on Globalization

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Preface

As part of the Friedrich-Ebert-Stiftung's ongoing efforts to support analysis and discussion concerning the issue of better representation and transparency at the United Nations, we are delighted to have commissioned this occasional paper by Prof. Thomas G. Weiss, who is Presidential Professor of Political Science at The City University of New York's Graduate Center. Tom, who is known among UN hands as a forthright and fair critic, placed a preliminary version of this paper before a small group of experts on 28 October 2004, at a discussion co-sponsored by the Friedrich-Ebert-Stiftung and the Ralph Bunche Institute for International Studies, which he directs. In attendance were a number of prominent scholars of international relations and international organizations, NGO activists, UN officials, as well as a solid contingent of New York-based diplomats. Our discussions were intense, and in many ways they provided a microcosm of the larger political debate surrounding possible Security Council reform.

For this gathering, we experimented with an electronic questionnaire that was sent to all persons who had been invited to the meeting. The results are reported in Annex 1 to this occasional paper and make interesting grist for the mill. They not only helped animate our debate but also provide further evidence for many of the points made by Professor Weiss in his fine argument, which we trust will get the wide readership that it deserves.

We hope this occasional paper will stimulate further debate on the possibilities and challenges to Security Council reform among academics, members of the diplomatic community, and officials working in and around the United Nations. The publication of the report by the High-Level Panel on Threats, Challenges, and Change earlier this month provides the impetus for a continued engagement with critical issues for the future of the world organization.

Manfred Bardeleben

Director, Friedrich-Ebert-Stiftung
New York

1 Introduction¹

Anniversaries are a typical time to take stock and think about change. The United Nations (UN) roller coaster ride has been severe in the post-Cold War era – from the euphoria surrounding Security Council decision-making to use military force against Iraq in 1990-1991 when “renaissance” was the common multilateral refrain, to the current morass after severe divisions over the decision by the United States (U.S.) and United Kingdom (UK) to go to war in Iraq in 2003 with a return to the “dark ages” of unilateralism.

There have been continual mutterings about the need for reform since the world organization’s founding.² The eve of the UN’s 60th anniversary is remarkably like that of the 50th birthday in at least one way – the futile ink spilled and the misplaced attention given to changing the Security Council’s shape and ways of doing business. The panacea for many critics is reforming the composition and working methods of the Security Council. “We have reached a fork in the road,” Secretary-General Kofi Annan told the General Assembly in September 2003.³ Shortly thereafter, he established the High-Level Panel on Threats, Challenges and Change (HLP) to seek wisdom from 16 experts, including four former prime ministers, about a better process to maximize the chances of reaching consensus.

What he got in their report of 2 December 2004 was over one hundred recommendations⁴ and a promise of a “grand bargain” to sell to the elusive and so-called international community.⁵ The linchpin for the sales pitch was predictable, Security Council reform – only the permanent members (P-5) would have a veto, but increasing permanent and non-permanent members, requiring a Charter amendment, supposedly is critical to the UN’s future health.

With little evidence of movement, even a sympathetic observer is obliged to ask: Can amending the membership or procedures of the Council improve either its credibility or performance? If the answer to either part of this question is “yes,” is there any possibility that a Charter amendment could be approved in the foreseeable future? If not, are there feasible changes short of such a constitutional change that could improve the Security Council’s accountability and effectiveness?

1 The author is extremely grateful to Karen Young, a PhD candidate in Political Science at The CUNY Graduate Center, for her research and editing assistance in the preparation of this essay.

2 Edward C. Luck, *Reforming the United Nations: Lessons from a History in Progress* (New Haven: Academic Council on the UN System, 2003), Occasional Paper No. 1. This publication is a helpful point of departure for anyone attempting to understand “reform.”

3 “Secretary-General Address to the General Assembly given 23 September 2003,” available at: <http://www.un.org/webcast/ga/58/statements/sg2eng030923.htm>.

4 United Nations, “*A More Secure World: Our Shared Responsibility*,” *Report of the High-Level Panel on Threats, Challenges and Change*, UN Document A/59/565, 2 December 2004.

5 For analyses of this fuzzy notion, see “What Is the International Community?” in *Foreign Policy* no. 132 (September/October 2002) with contributions from Kofi A. Annan, Andrew Gowers, Noam Chomsky, Jeane J. Kirkpatrick, J. Bryan Hehir, Sadako Ogata, Walden Bello, Arjun Appadurai, and Ruth Wedgwood, pp. 30-46

In the interest of truth in packaging, my own views on these questions should be made clear at the outset.⁶ While altering the membership is conceivable, at least on paper, and dramatic alterations in historical trends are always conceivable, the politics behind agreeing to specific changes in the Charter make it more than unlikely; and there is no chance that the P-5 will agree to altering the procedures.⁷ Moreover, the various changes under consideration would undoubtedly improve legitimacy but certainly not effectiveness. The best hope for meaningful change in the Security Council in the next decade lies in reinforcing pragmatic adaptations in working methods and in exploring new ones.

This occasional paper proceeds through five main sections. The first and second provide a history of past efforts at reform, and the third is a discussion of two timeless procedural obstacles and one new one. The fourth section contains a brief description of the main proposals that have been tabled since 1995. The fifth is a discussion of recent procedural adaptations that have responded in concrete, if small, ways to the need for more openness and accountability as well as for more diverse inputs into decision-making. The conclusion speculates about the prospects for advancing debate at the 60th session of the General Assembly in Autumn 2005.

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6 The original argument, which emphasized the implications for U.S. foreign policy, appeared in Thomas G. Weiss, "The Illusion of UN Security Council Reform," *The Washington Quarterly* 26, no. 4 (Autumn 2003), pp. 147-161. Reprinted with permission.

7 The classic reference is Sydney D. Bailey and Sam Daws, *The Procedure of the UN Security Council* (Oxford: Oxford University Press, 1998), third edition. Fourth edition is forthcoming in 2005.

2. Past as Prelude

The question of “who” makes decisions about international peace and security in the Security Council has been in headlines regularly since 1945. The number of non-permanent (or elected) members of the exclusive club was increased only once, in 1965, to reflect the euphoria surrounding decolonization and the influx of newly independent member states, along with the number of affirmative votes required for a resolution. Although this Charter amendment reflected a slow erosion of the material foundations of the post-World War II world, it did not directly or immediately threaten the two most powerful camps of the time, the West and the socialist bloc; it also left the permanent (or non-elected) members the same.

With increased activism after the Cold War, changing the Security Council’s composition (that is, the numbers of permanent and non-permanent members) and authority (specifically the role of the veto) once again became a prominent item on the New York diplomatic agenda. Proposals and toasts became particularly frequent around the world organization’s 50th anniversary in 1995. On the eve of the 60th anniversary – and in light of the HLP’s work – the topic is once again on international radar screens.

The debate revolves around several key issues. Should the goal of Charter reform be to make the Security Council more reflective of contemporary economic and military power and of UN membership as a whole – of its 191, and counting, member states? Would this help or hinder the Council’s deliberations and decisions? What would constitute a “real” reform agenda?

Most governments rhetorically support the call for equity, specifically by increasing membership and eliminating the veto. According to an informal tabulation from two missions,⁸ during the 2004 general debate of the General Assembly about 150 of the UN’s 191 member states spoke in favor of reforming the Security Council. As always, the devil is in the details; such vague expressions of support cost little and mean less because no consensus exists about the exact shape of the Council or the veto’s elimination. As evidenced here, there are a number of proposals under review, and the reform process continues, specifically the General Assembly Working Group on the Security Council debates much and agrees on little. Their one agreement has been to continue meeting, taking into account their “progress” in the forty-eighth through fifty-seventh sessions on the issues of equitable representation and increased membership in the Security Council.⁹

As analysts like Mark Zacher and Bardo Fassbender argue, there is “global agreement” on the need for comprehensive reform, but conflicting views of member states continue to block a solution.¹⁰ Jean-Pierre Cot, a French member of the European

While it is true that the Council does not reflect the actual distribution of 21st century power, none of the proposals addresses the imbalance between seats at the table and actual military capacity outside of the Security Council chamber.

8 From personal communications with representatives to the United Nations from two countries, in two regions.

9 United Nations, *Report of the Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council*, UN Document A/57/47, 2003, paragraph 26.

10 See Bardo Fassbender, “Pressure for Security Council Reform,” in David M. Malone, ed., *The UN Security Council: From the Cold War to the 21st Century* (Boulder: Lynne Rienner, 2004), pp. 341-342; and Mark W. Zacher, “The Conundrums of International Power Sharing,” in Richard M. Price and Mark W. Zacher, eds., *The United Nations and Global Security* (New York: Palgrave Press, 2004), pp. 211-225.

Parliament and former minister, puts it more poetically: “L'accord est large sur la nécessité de reformer les Nations Unies. Mais le désaccord est profond sur le contenu des réformes à engager.”¹¹ While it is true that the Council does not reflect the actual distribution of 21st-century power, none of the proposals addresses the imbalance between seats at the table and actual military capacity outside of the Security Council chamber.

The terms, and thus the areas of contention, of the “global agreement”, according to Fassbender, and also Zacher and Cot among others, tend to be:

- All governments seem to support an enlargement of the Council’s non-permanent members, though there is not consensus on the number of additional members. A majority of governments agree to increase the number of permanent members, but others (mostly current permanent members) strongly disagree.
- Among governments that support additional permanent members, there is not agreement on the candidates, specifically on the top contenders Germany and Japan.
- A majority of states, within the General Assembly, want to abolish or curtail the right of the veto. The permanent five absolutely reject this proposal. Moreover, there is widespread disagreement within the Council (and within General Assembly membership) on the distribution of veto privileges to new permanent members.

A majority of states, within the General Assembly, want to abolish or curtail the right of the veto. The permanent five absolutely reject this proposal.

Since the 50th anniversary of the United Nations, not much has changed on these respective positions, although Germany and Japan have become more impatient about their roles as financial donors to the UN budget – “taxation without representation” has a contemporary and not just an 18th-century resonance. Joined by India and Brazil in mid-2004 in what was dubbed by unkind observers as the “Gang of 4”, there was some evidence during conversations with delegates from these countries that they might be willing to force a vote in the 2005 General Assembly to smoke out “who is for us and who is against us.” This author’s reading of current international discussions and negotiations – at least in the form of official statements and documents of the Working Group as well as interviews with diplomats and UN staff – reveals insufficient support for such an approach. If pursued, this strategy could well prove counter-productive.

Furthermore, even the pressure for discussing such changes evaporated for a time after September 11th, the war in Iraq, and the effective beginning of the post-post-Cold War era. The priorities among most UN member states shifted toward using the Security Council to constrain American power. Virtually the same words came from every senior government or UN official interviewed in New York: “With or without Iraq, Security Council reform is dead.” In September 2002 Secretary-General Kofi Annan wrote of the “stalled process of Security Council reform.”¹² Indeed.

11 “There is general agreement about the need to reform the United Nations. But the disagreement is deep about the nature of the reforms to be undertaken.” Jean-Pierre Cot, “L’O.N.U., la paix et la sécurité,” draft paper for the European Socialist Group in the European Parliament, dated 23 October 2003, p. 6.

12 Kofi A. Annan, *Strengthening the United Nations: An Agenda for Further Change*, UN Document A/57/387, 9 September 2002, paragraph 20.

3. The History of Charter Reform

This section explores the history of UN Charter changes before analyzing why proposals for Security Council reform are highly unlikely to succeed. Many Western countries possess old and cherished constitutions. For instance, Americans like to think of the U.S. Constitution as a sacred text whose amendment entails soul-searching, public debate, and extended ratification procedures. Yet, its 27 substantive amendments stand in sharp contrast with only three procedural ones to the UN's Charter in almost 60 years – about the number of seats, once in the Security Council and twice in the Economic and Social Council (ECOSOC). Although the principle of Charter reform retains salience for diplomats in New York as an agenda item and enduring cocktail pastime, and for academic and policy analysts a source of grants, in practice it has proved virtually impossible.¹³

The principle of Charter reform in the United Nations has a long history. For that reason, the reform issue is better named a reform “process”, as it continues to evolve through the leadership of various secretaries-generals and through organic calls from the floor of the General Assembly.¹⁴

The UN's original Charter provided for a Security Council with 11 members, 5 permanent and 6 non-permanent members. The Charter was amended on 17 December 1963 to increase the number of non-permanent members from 6 to 10. Two decades after the end of the San Francisco conference, these amendments entered into force on 31 August 1965. As noted, no other aspects of the composition or the work of the Council were agreed at that time.

The question of equitable representation on and increase in membership of the Security Council was inscribed on the agenda of the General Assembly in 1979 at the request of Algeria, Argentina, Bangladesh, Bhutan, Guyana, India, Maldives, Nepal, Nigeria, and Sri Lanka. From 1980 to 1991, the item remained inscribed on the agenda, but the General Assembly decided to defer its consideration.

At its 47th session, in 1992, the General Assembly requested the Secretary-General to invite member states to submit written comments on a possible review of the membership of the Security Council and also requested him to submit to the Assembly at its 48th session a report containing comments by member states. In July 1993, the Secretary-General submitted a report containing comments made by 79 member states and three regional groups (African Group, Arab States and Caribbean Community).¹⁵

13 For example, see two recent works by Price and Zacher, eds., *The United Nations and Global Security* (New York: Palgrave Press, 2004); and James S. Sutterlin, *The United Nations and the Maintenance of International Security: A Challenge to be Met* (Westport, Connecticut: Praeger Press, 2003).

14 See, for example, Edward Luck, “UN Reform Commissions: Is Anyone Listening?,” keynote address at the Conference on “The Ideas and Institutional Nexus,” delivered on May 16, 2002 at the University of Waterloo. Luck describes how successful reforms might be judged, and argues in accordance with Secretary-General Annan that “reform is a process” whose impact must be assessed with time.

15 United Nations, *Report of the Secretary General on the Question of Equitable Representation on and Increase in the Membership of the Security Council*, UN Document A/48/264, 20 July 1993.

At its 48th session, the General Assembly adopted resolution 48/26 of 3 December 1993. It addressed the issue of equitable representation, based especially on the Charter, Article 23, which also specifies that members confer on the Security Council primary responsibility for the maintenance of international peace and security. The resolution established an Open-Ended Working Group to consider “all aspects of the question of increase in the membership of the Security Council, and other matters” relating to the same body.¹⁶

The group met in the subsequent 48th, 49th and 50th sessions, producing a series of reports to the General Assembly and various recommendations on the two clusters of issues regarding Security Council reform. Cluster I includes issues of the veto and membership expansion. Cluster II includes issues of the Council’s transparency and administrative efficiency. After three sessions, and numerous meetings and proposal drafts, no consensus emerged from the Open-Ended Working Group.

Against the background of preparations for the special commemorative meeting to mark the world organization’s first half-century, a declaration was adopted on 24 October 1995. It stated that the member states and observers would give to the twenty-first century a United Nations equipped, financed, and structured to serve effectively the peoples in whose name it was established. It further stated that “the Security Council should, *inter alia*, be expanded and its working methods continue to be reviewed in a way that will further strengthen its capacity and effectiveness, enhance its representative character and improve its working efficiency and transparency; as important differences on key issues continue to exist, further in-depth consideration of these issues is required.”¹⁷

Between the 50th session and the 57th, the working group continued to meet, though its momentum seems to have slowed between 1998 and 2002. The most notable compilation was the March 1997 reform proposal under the aegis of the Chair and Assembly president, Ambassador Razali Ismail.¹⁸ Some of the key recommendations of what is familiarly known as “the Razali report” included: increased membership of the Security Council to twenty-four members (five permanent and four non-permanent additions) according to geographical distribution; a relaxed use of the veto reserved for Chapter VII action only, and not to be extended to new permanent members; and a provision that peacekeeping assessments be charged to all new and existing permanent members at the same percentage rate of premium surcharge over and above their regular budget rate.

The only two signs of movement within this period were limited in scope. First, on 23 November 1998, the General Assembly adopted resolution 53/30 with regard to one agenda item of the working group to require a two-thirds majority of the General Assembly to take decisions on Security Council reform. Article 108 of the Charter requires a two-thirds majority of all members, including the Security Council permanent members in unanimity, to ratify a Charter amendment. Resolution 53/30 did not change this reality, but rather signaled the General Assembly’s interest in the reform agenda, and the members’ desire to be considered in the

Article 108 of the Charter requires a two-thirds majority of all members, including the Security Council permanent members in unanimity, to ratify a Charter amendment.

16 United Nations, *Report of the Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council*, UN document A/50/47, 13 September 1996, paragraph 7.

17 Ibid.

18 Available at www.globalpolicy.org/security/reform/raz-497.htm.

Council's decision-making. Second, on 8 September 2000, heads of state and government adopted the United Nations Millennium Declaration, by which they resolved "to intensify our efforts to achieve a comprehensive reform of the Security Council in all its aspects".¹⁹ This second movement (if it is movement) was more related to momentum for a consensus Millennium Agreement than a reflection of any political will to push for Security Council reform.

In short, nearing the 60th anniversary celebrations, we are in much the same place as ten years ago. The reform process is ongoing and directed towards multiple institutional changes. Some observers are baffled by the array of minor and major initiatives that fall under the rubric of "reform".²⁰ Although it would make sense to restrict the term only for constitutional changes, it normally is applied far more broadly; for instance, secretaries-general routinely initiate so-called reform measures at the outset of their terms, including both personnel changes and management shell games.²¹ Whatever one's definition, however, the 1965 amendment of the Security Council was significant, symbolically and actually.

In determining whether such momentous changes might happen again, reviewing the past clarifies the justifications behind the changes and the politics involved in whether they got off the ground. The original composition and decision-making procedures of the Security Council were challenged after the dramatic increase in membership following decolonization. Between its establishment in 1945 and the end of the first wave of decolonization in 1963, the number of UN member states had swelled from 51 to 114. Instead of a handful (six to be exact) from Africa and Asia, more than half came from these two developing continents only two decades later.

The December 1963 General Assembly resolution 1990 proposed enlarging the Security Council from 11 to 15 members and the required majority from seven to nine votes; but the veto was left intact. As spelled out in Charter Article 108, the reform entered into force two years later after ratification by two-thirds of the member states and approval by all permanent members of the Security Council. Rather than a full-fledged discussion of a top-to-bottom reform of the Council, the 1963 increase altered an obvious numerical imbalance in the United Nations. The reform agendas in the 1960s to the end of the 1980s reflected the stalemate of the Cold War. As Peter Wallensteen and Patrik Johansson argue, major changes in the international system, such as liberation wars, decolonization, and increasing North-South divides, did not change the way the Cold War affected the Council. Only in the late 1980s when the Security Council returned to its original purpose – to function when the major powers cooperated by expanding the agenda in regional consideration and issue content – did the system changes become obvious.²²

Should the Security Council not be more reflective of the growing membership and the lofty language of the Charter's sacred cow – Article 2, "the principle of the sovereign equality of all its Members"?

As a result of the increase of new states following the collapse of the Soviet Union, the same question arose during the 1990s as three decades earlier: Should the Security Council not be more reflective of the growing membership and the lofty language of the Charter's sacred cow – Article 2, "the principle of the sovereign equality of all its Members"? Again, the argument for expansion was linked to

19 United Nations, "United Nations Millennium Declaration" UN document A/55/L.2. New York, 8 September 2000. Available at <http://www.un.org/millennium/declaration/ares552e.htm>.

20 See, for example Andy Knight, *A Changing United Nations: Multilateral Evolution and the Quest for Global Governance* (New York: Palgrave, 2000).

21 See, for example, Kofi A. Annan, *Renewing the United Nations: A Programme for Reform*, UN Document A/51/1950, 14 July 1997.

22 Peter Wallensteen and Patrik Johansson, "Security Council Decisions in Perspective," in Malone, ed., *The UN Security Council*, p. 21.

equity, not practical impact. The membership had again almost doubled. However, many forgot that the agreement in 1963 was possible because the addition of any new permanent members was essentially excluded from negotiations.²³

The debate of the 1990s more forcefully asserted the principle of sovereign equality side by side with the obvious disconnect between the permanent members and the actual constellation of power. At the same time, political correctness failed to address the extent to which the current system flies in the face of geopolitics – for example, the need for the U.S. to shamelessly court the likes of the three elected African states (Angola, Guinea, and Cameroon) in the debate about going to war in Iraq – did not seem to matter.

This debate was decided by the UN's founding fathers (not many mothers) by having it both ways – a universal General Assembly with the most general functions, and a restricted Security Council with executing authority for maintaining the peace.²⁴ The Council's specialized function was deliberate, and unanimity among the great powers was a prerequisite for action. This contrasted with the Council of the League of Nations, which was a general executive committee for all of that organization's functions and failed miserably in the security arena because it required agreement from all states. Restricting membership for a discrete set of responsibilities has no direct parallel in U.S. domestic politics; but the composition of the Senate (equal membership across states) and of the House of Representatives (according to some evaluation of power, in this case by population) suggests how such trade-offs are used to strike a bargain.

An essential component of the original 1945 deal for the era's great powers – the U.S., the Soviet Union, France, the UK, and China – was to give them eternal seats with a veto over decisions of substance. The delegates in San Francisco, who were unhappy with reviving a structure that had aspects of a 19th-century Concert of Europe, had the impression that a review conference would be called relatively quickly. In fact, Article 109 of the Charter held out the possibility for such a General Conference, but the P-5 preferred that the bar be set high for any changes.²⁵ In any case, the polarization in the 1950s prevented such a gathering then, and none has been convened, or even seriously proposed, since.²⁶

The activism and initial success of the Security Council in the early post-Cold War era fueled debate, paradoxically, about the desirability of Charter reform. Zacher cites three reasons for the major change in the 1990s. First, Western and Eastern European countries became units of the same bloc, and their joint strength challenged the combined leverage of developing countries as a distinct bloc. Second, the Council began to intervene more than it had during the Cold War, again igniting concern among developing countries about intervention in civil conflicts. Third, Germany and Japan seized an opportunity to join calls for reform from developing countries to present their case for permanent membership.²⁷

The activism and initial success of the Security Council in the early post-Cold War era fueled debate, paradoxically, about the desirability of Charter reform.

23 Zacher, "The Conundrums of International Power Sharing," p. 213.

24 Thomas G. Weiss, David P. Forsythe, and Roger A. Coate, *The United Nations and Changing World Politics* (Boulder: Westview, 2004), 4th edition, chapter 1.

25 See Ruth B. Russell, *A History of the United Nations Charter: The Role of the United States, 1940-1945* (Washington, DC: Brookings, 1958), pp. 742-749. For a recent view, see Rosemary Foot, S. Neil MacFarlane, and Michael Mastanduno, eds., *US Hegemony and International Organizations: The United States and Multilateral Organizations* (New York: Oxford University Press, 2003).

26 Suggestions for consideration at such a conference however appeared in Francis O. Wilcox and Carl M. Marcy, *Proposals for Changes in the United Nations* (Washington, DC: Brookings, 1955).

27 Zacher, "The Conundrums of International Power Sharing," p. 214.

The logic of leaving well enough alone gave way to grumblings about representation and the need to expand the Council. This was especially the case as the P-5 were increasingly on the same wave-length and frequently reached consensus privately before going to the Council as a whole.²⁸ Such informal consultations between the Security Council's permanent members began in 1987 at the British ambassador's residence, as the Soviets sought a withdrawal from Afghanistan and efforts were underway to end the Iran-Iraq war. For instance, a series of decisions resulted about beefed-up peacekeeping operations in areas that had formerly paralyzed the Council.

These decisions related to several flash-points of former East-West tensions (in Afghanistan, Namibia, Kampuchea, and Nicaragua) and the end of the Iran-Iraq War.²⁹ They seemed to usher in a new era with the precedent-setting ability to take action against Iraq for its invasion of Kuwait and then to override Iraqi sovereignty to provide succor to the Kurds and impose intrusive measures on the regime in Baghdad.³⁰ In January 1992 newly elected Secretary-General Boutros Boutros-Ghali launched his term with the first-ever summit of the Security Council and shortly thereafter published his bullish *An Agenda for Peace*.³¹

Suddenly, the Council was acting as it had been intended to act when the Charter was drafted. Suddenly, sovereignty was no longer sacrosanct, or so it seemed for a fleeting moment.³² Suddenly, once again, excluded countries wanted part of the action and thought that the politics were propitious for change. Moreover, in the euphoria of the UN's renaissance after the "dark ages" of the Cold War, consensus was the order of the day. So why not try to move forward the long-standing debate?

As casting vetoes appeared unseemly and apparently anachronistic, or so the voting for a few years suggested, was it perhaps not time to once again alter the Council's make-up and revisit its procedures? The UN's looming half-century anniversary appeared a symbolically appropriate moment to restructure the Council's make-up and revise procedures so that matters of might took second place to matters of right, or so went conventional wisdom and proposals from eminent persons.³³

The same logic has reappeared for the 60th anniversary; but so too have the politics and lack of consensus. Perhaps what has changed is that some of the candidates – especially Germany, Japan, India, and Brazil – are more assertive of their claims and seemingly more willing to confront nay-sayers.

28 See Cameron Hume, *The United Nations, Iran and Iraq: How Peacemaking Changed* (Bloomington: Indiana University Press, 1994); and C. S. R. Murthy, "Change and Continuity in the Functioning of the Security Council since the End of the Cold War," *International Studies* 32, no. 4 (October-December 1995), pp. 423-439.

29 Wallensteen and Johansson, "Security Council Decisions in Perspective," p. 19.

30 For an overview, see Weiss, Forsythe, and Coate, *The United Nations and Changing World Politics*, chapter 3.

31 Boutros Boutros-Ghali, *An Agenda for Peace*, 1995 (New York: United Nations, 1995) contains the original 1992 report along with a humbler 1995 Supplement.

32 Jarat Chopra and Thomas G. Weiss, "Sovereignty Is No Longer Sacrosanct: Codifying Humanitarian Intervention," *Ethics & International Affairs* 6 (1992), pp. 95-118.

33 See Commission on Global Governance, *Our Global Neighbourhood* (Oxford: Oxford University Press, 1995), and Independent Working Group on the Future of the United Nations, *The United Nations in its Second Half-Century* (New York: Ford Foundation, 1995). For an analysis of how experts have helped shape UN reform, see Edward C. Luck, "Blue Ribbon Power: Independent Commissions and UN Reform," *International Studies Perspectives* 1, no. 1 (2000), pp. 89-104.

4. Timeless Procedural Obstacles and One New One

The logic of the call for reform was to recognize the changed world by doubling the number of permanent members (with Germany and Japan making particularly strong cases because of their economic weight and UN budgetary contributions along with such Third World giants as India, Egypt, Brazil, South Africa, and Nigeria) and by setting aside the veto to reflect the shape of a new geopolitical world. This ran into two immediate problems, the veto itself and the contradictory politics of the world organization's membership.³⁴ As if the structural provisions of the Charter governing amendments were insufficient in and of themselves, the cacophony of views about new members stopped proposals almost dead in their tracks. More recently, a third problem has come into sharper relief, namely Washington's emergence as what former French foreign minister Hubert Védrine aptly dubbed the *hyper-puissance*.

The Veto

Citing the need to avoid conditions that led to the downfall of the League of Nations, the P-5 insisted in 1944 and 1945 on having individual vetoes over Charter amendments. Article 108 effectively provides each permanent member with a trump to overrule any efforts to weaken their formal power – what Yale University historian Paul Kennedy has called “the Catch-22” of Charter reform³⁵ – because active opposition by any of the P-5 effectively halts debate. The rumblings originally heard in San Francisco returned in the 1990s when the 185 states that can be elected members criticized the veto as inequitable.³⁶

The UK and France as well as, arguably, Russia are no longer “great” powers; but their permanent status with vetoes magnifies their voices in international politics to louder decibel levels than their actual power merits. In their pursuit of *raison d'état*, states use whatever institutions are available to serve their national interests. To ask the obvious rhetorical question, “Why would a state with a veto give it up or accord the same privilege to rivals?”

As the debate over the decision to go to war in Iraq and the nature of subsequent UN involvement amply demonstrate, using the tool of the Security Council is a primary objective of French and Russian foreign policies. They have a voice about where and how American (and in this case, British) military power will be projected as long as Washington works through this framework or sees an advantage in doing so.

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³⁴ An overview of the possible changes being discussed at the time is found in Bruce Russett, Barry O'Neil, and James Sutterlin, “Breaking the Security Council Logjam,” *Global Governance* 2, no. 1 (Jan.-Apr. 1996), pp. 65-79.

³⁵ Paul Kennedy, “UN Reform Is Stuck in a Catch-22,” *Financial Times*, 26 October 2004.

³⁶ For discussions, see Russell, *A History*, pp. 713-719; Bruce Russett, ed., *The Once and Future Security Council* (New York: St. Martin's, 1997), pp. 2-5; and Townsend Hoopes and Douglas Brinkley, *FDR and the Creation of the U.N.* (New Haven: Yale University Press, 1997), pp. 198-203.

The issue of military power, and particularly military intervention mandated by the Security Council, could be a mechanism for the reinvigoration of the debate on representation within the body. As James Sutterlin points out, Article 44 of the Charter states that any non-member of the Council that contributes troops for enforcement action should have some authority in how those troops are utilized. This “no taxation without representation” clause has not been used, but remains an important opening for a non-member of the Council to join in debate and, according to Sutterlin, offers a precedent that might be built upon to expand the Security Council for decisions on designated (military force) objectives.³⁷ The veto, threatened or actual, is a most common way to indicate support or opposition to possible military operations.

The use of the veto waned after the Cold War – only 17 vetoes were invoked between January 1990 and July 2004, in contrast to the 193 over the preceding 45 years.³⁸ As David Malone points out, only nine vetoes were cast in the entire decade of the 1990s: two by China – over Guatemala and Macedonia, but both relating to ties with Taiwan by these two governments; two by Russia – over Cyprus and the former Yugoslavia; and five by the United States – one with regard to Panama and the remaining to the Israeli-Arab conflict.³⁹

The shift in the logic of the veto thus is remarkable given the change in the nature and the increasing work of the Security Council, as measured in its ability to produce cooperative resolutions.

The shift in the logic of the veto thus is remarkable given the change in the nature and the increasing work of the Security Council, as measured in its ability to produce cooperative resolutions. From 1990 to 2004, matters relating to Iraq have resulted in 75 Council resolutions, amounting to more than 9 percent of all resolutions, and more than 25 percent of Chapter VII resolutions in this period.⁴⁰ More than 93 percent of all Chapter VII resolutions passed from 1946 to 2004 were adopted after 1989. From 1946-1989, the annual average number of resolutions was fifteen; since the end of the Cold War the average is closer to sixty.

Even more telling is the content of these resolutions. Before 1989, Chapter VII resolutions made up five to ten percent of the Council’s work. Since 1989, the percentage of Chapter VII resolutions has increased to over twenty-five percent. In 2002 alone, forty-seven percent of Council resolutions involved enforcement mechanisms.⁴¹ As cooperation has increased, so has the weight of the Council’s enforcement decisions and interventions. The increase in the invocation of Chapter VII illustrates how the authority of decision-making matters in concrete terms to members of the Council.

Permanent members utilized the veto 300 times in the period between 1946 and 2004. Roughly fifteen percent of these vetoes concerned the election of a new secretary-general and not issues of conflict management. The remaining 85 percent

37 James S. Sutterlin, “The Past as Prologue,” in Russett, ed., *The Once and Future Security Council*, p. 5.

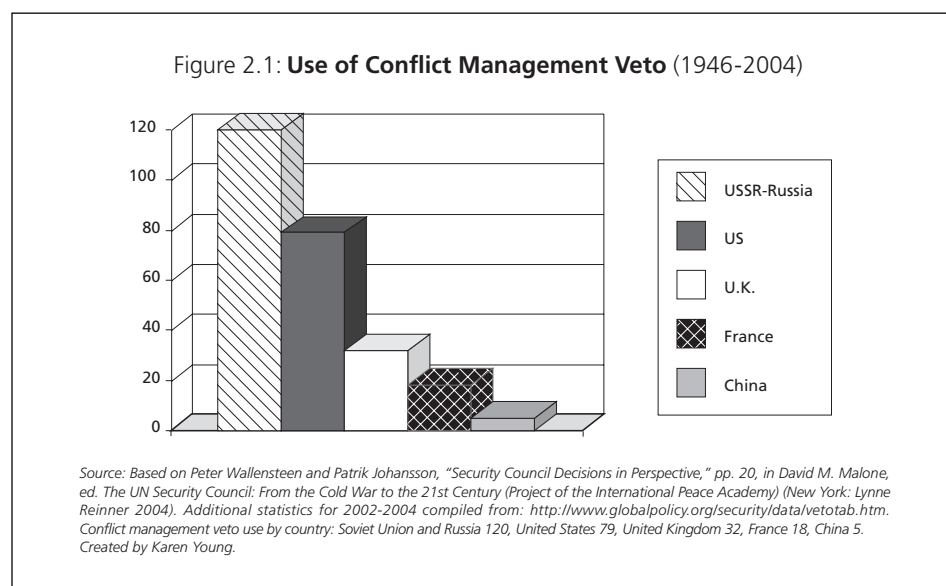
38 See David M. Malone, “Introduction,” in Malone, ed., *The UN Security Council*, p. 7. The breadth of the essays in the collection makes this volume a point of departure for future studies. For a list of veto use and content, see: <http://www.globalpolicy.org/security/membership/veto/vetosubj.htm>

39 David M. Malone, “US-UN Relations in the UN Security Council,” in Foot, MacFarlane, and Mastanduno, eds., *U.S. Hegemony and International Organizations*, pp. 74-75.

40 Wallensteen and Johansson, “Security Council Decisions in Perspective,” p. 19. Additional information and statistics for Iraq-related resolutions for the period 2002-2004 are drawn from <http://www.casi.org.uk/info/scriraq.html>.

41 Wallensteen and Johansson, “Security Council Decisions in Perspective,” pp. 20-21.

are distributed as illustrated in Figure 2.1. The Soviet Union-Russia and the U.S. are clearly the most frequent veto users in this period. However, if we break the period from 1946-2004 roughly in half, we find a more even distribution of veto use.



The data since 1970 reflect more of a balance between former and current superpowers. Leading up to 1970, the Soviet Union used the veto more frequently, but since that time the United States has exercised the option more. The use by all permanent members drastically decreased after the Cold War ended, as indicated earlier.⁴² However, the veto remains highly relevant as a threat. If there were doubts, debates about the use of force in Kosovo in 1999 and in Iraq in 2003-4 make this potential leverage clear.

The use of force through Chapter VII military intervention, and also through more traditional peacekeeping operations, often represents a contentious issue of agenda-setting in the Council. The imbalance in resolutions (and veto opportunities) by region reflects the logic of calls for reform from some members of the Global South. As Wallensteen and Johansson illustrate, armed conflicts in Africa, Europe, and the Middle East are more likely to appear on the Council's agenda than those of other regions. Of the 1,400 Security Council resolutions, there are fewer than 100 resolutions each on Asia and the Americas. While more than 400 have dealt with conflicts in Europe, a similar number concern the Middle East and North Africa. Haiti is the only one of sixteen sanctions regimes outside of Europe, the Middle East and Africa. Wallensteen and Johansson argue that the Security Council's agenda suggests that international peace and security in the post-Cold War era is approached in different ways in different geographical regions, due in most part to historical and regional ties to key permanent members.⁴³

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⁴² For more detail on the statistics of veto use, see *ibid.*, pp.20-25.

⁴³ *ibid.*, p. 25.

Washington's participation is, and always has been, predicated on the veto.

And so, *Quis custodet ipsos custodes?* In this case, the P-5 are guarding themselves. They will not give up their vetoes easily, and they cannot be compelled to do so by the Charter's provisions. The United States is not different from the other members of the permanent club. As every textbook indicates and recent analyses have made clear,⁴⁴ the veto was part of President Harry Truman's original sales pitch to the Senate – the U.S. did not wish to be obliged to commit its resources against its will – which permitted ratification of the UN Charter rather than repeat Woodrow Wilson's humiliation with the rejection of the League of Nations Covenant. Washington's participation is, and always has been, predicated on the veto. As any amendment to the UN Charter involves treaty law, such changes would be subject to the advice and consent of the U.S. Senate. Tactically speaking, and in light of the results of the November 2004 elections, it is unwise to go to that body for any discussion of the United Nations, even of changed membership.

Membership

Those more interested in results than process are quick to point out that an expanded Security Council would hardly improve effectiveness. A larger Council would increase the chances for what one observer poetically called the *Sitzkrieg* over Iraq.

Beyond the discretionary use of the veto, the second problem preventing reform is political paralysis over the exact candidates for non-permanent and permanent members, the latter with or without vetoes.⁴⁵ The increase in numbers beyond the current 15 – five permanent, and ten non-permanent members serving rotating two-year terms – is unobjectionable in terms of greater diversity. At the same time, those more interested in results than process are quick to point out that an expanded Security Council would hardly improve effectiveness. A larger Council would increase the chances for what one observer poetically called the *Sitzkrieg* over Iraq.⁴⁶ Furthermore, it would not only be too big for serious negotiations but also remain too small to truly represent the membership as a whole.

The vague agreement about some expansion to accommodate more seats at the table for the clearly under-represented Global South is obvious.⁴⁷ But so too is the clear lack of consensus about which countries should be added. The arguments coming from delegations, from the North or the South, are transparently self-serving. "More diversity" from Germany or Japan, "more middle powers" from Pakistan, or "more small states" from Singapore are predictable packaging of self-interest in the garb of a more legitimate Security Council. States defend their own interests; but somewhat less hypocrisy would be welcome.

Mixed in with this problem is a more serious difficulty: there is no agreement on new permanent members. If the problem is too many industrialized countries, why are Germany and Japan obvious candidates? Would Italy not be more or less in the same league? Would it not make more sense to have the European Union represented (rather than Paris, London, Berlin, and Rome)? How do Argentina

44 Stephen C. Schlesinger, *Act of Creation: The Founding of the United Nations* (Boulder: Westview, 2003). For earlier examples, see also Margaret P. Karns and Karen A. Mingst, *The United States and Multilateral Institutions* (London: Routledge, 1999), and Roger A. Coate, ed., *U.S. Policy and the Future of the United Nations* (New York: Twentieth Century Fund, 1994).

45 Ismail Razali, who was president of the General Assembly in 1997, proposed the addition of non-permanent members without a veto. See text of draft resolution submitted to the Open-Ended Working Group at www.globalpolicy.org/security/reform/raz-497.htm.

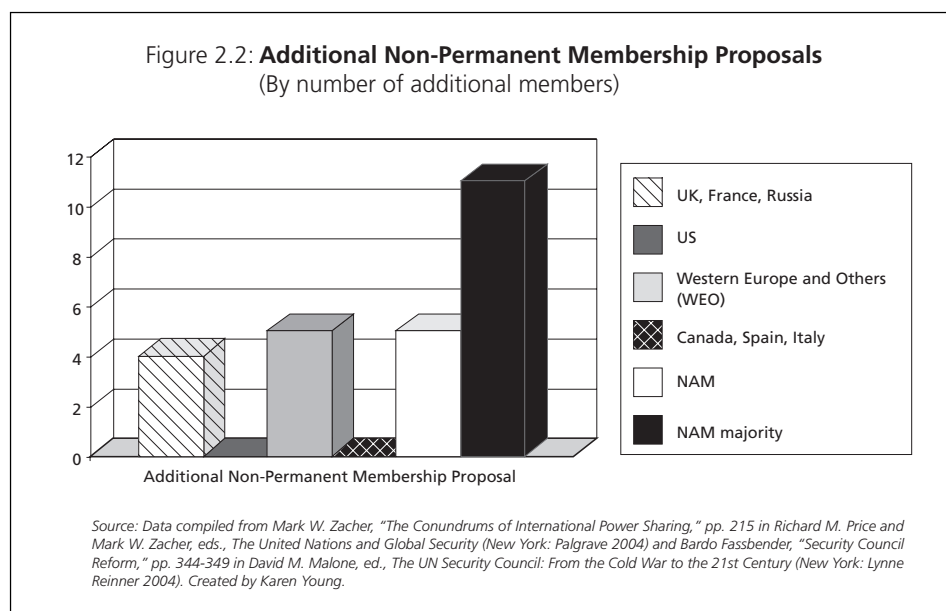
46 David C. Hendrickson, "Preserving the Imbalance of Power," *Ethics & International Affairs* 17, no. 1 (2003), p. 160.

47 See James P. Muldoon, Jr. et al., eds., *Multilateral Diplomacy and the United Nations Today* (Boulder: Westview, 1999), pp. 7-77.

and Mexico feel about Brazil's candidacy? Pakistan about India's? South Africa and Egypt about Nigeria's? How do such traditional UN financial and troop-contributing stalwarts as Canada and the Nordic countries feel about a plan that would disenfranchise them and elevate large developing countries? Moreover, if the veto is undemocratic and debilitating for them, is it logical to give this to the new permanent members? Would the lowest common denominator not be lower still?

The obvious answers to these questions indicate why there has been no agreement about a proposed Charter amendment. Since its establishment in 1993, the entity with the lengthiest name in the annals of multilateral deliberations – the “Open-Ended Working Group on the Question of Equitable Representation and Increase in the Membership of the Security Council and Other Matters Related to the Security Council” – risks also setting a record for continuing to go nowhere for the longest period of time.⁴⁸ Little has changed since 1993 and the rumblings began, at which time James Jonah predicted: “It does not appear likely in the short term that this question can be resolved by consensus.”⁴⁹

The Open-Ended Working Group's last report in 2003, detailed at the outset of this essay, reflects a remarkable amount of continuity in states' views over time. On the issue of the number of new permanent and non-permanent members, there has been “agreement” that the total membership should increase to at least 20 and as many as 26 states. On the issue of non-permanent members, the UK, France, and Russia advocated an additional four, although the US did not originally support any additional members.⁵⁰ In brief, and as indicated in Figure 2.2, the disparity in non-permanent membership proposals is significant.



48 United Nations, *Report of the Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council*, UN document A/48/47, 2 September 1994. This first report by the newly created commission was followed by a series of almost annual reports; many are available at: <http://www.globalpolicy.org/security/reform/reports.htm>.

49 James O. C. Jonah, *Differing State Perspectives on the United Nations in the Post-Cold War World* (Providence: Academic Council on the UN System, 1993), Reports and Papers No. 4, p. 25.

50 Zacher, “The Conundrums of International Power Sharing,” p. 214.

Like their Western European counterparts, Eastern European states support the addition of Japan and Germany as permanent members. At the same time, there are important dissenters. Canada, Italy and Spain do not support any new permanent members.

The states seeking candidacy as new permanent members, India and Japan, are strongly opposed by neighboring Pakistan, South Korea, and North Korea. China is unlikely to support the permanent membership of either Japan or India.

This figure illustrates the range of proposals by Security Council members and non-members. The breadth of disparities in the proposals among regional groups and “issue” groups, such as the Non-Aligned Movement (NAM), is also striking. Most members of the Western Europe and Others (WEO) grouping support proposals of three to five additional non-permanent members. Eastern European states generally support both five non-permanent and four or five permanent additions. Like their Western European counterparts, Eastern European states support the addition of Japan and Germany as permanent members. At the same time, there are important dissenters. Canada, Italy and Spain do not support any new permanent members.⁵¹

The current NAM of 115 states⁵² suggests the most flexible proposal as it supports five permanent and six non-permanent new members, but also proposes an additional 11 non-permanent members if the new permanent seats prove impossible. Yet, the movement’s positions attempt to paper over a variety of disagreements. Generally, those smaller states with little aspiration to permanent membership support eleven non-permanent additions. In Latin America, however, many countries favor neither new permanent nor non-permanent members. The candidacy of Brazil as a permanent member seems to eliminate support for any changes in that region. Only Costa Rica and Chile firmly support Brazil’s candidacy. Most proposals do not single out the Arab world, and so is the most powerful Arab state (Egypt) part of Africa? And if so, would its logical inclusion displace a black African member? Asian candidates pose a similar regional stalemate. The states seeking candidacy as new permanent members, India and Japan, are strongly opposed by neighboring Pakistan, South Korea, and North Korea. China is unlikely to support the permanent membership of either Japan or India.

Perhaps more difficult than arriving at a consensus on the number of members is the institutional decision about how to select these new members. Whether done by the General Assembly or sub-contracted to regional groupings, the shape of a selection process is far from consensus. Much of this debate is a microcosm of a perpetual problem - the UN is so consumed with getting the process right that it often neglects the consequences.

The Remaining Superpower

These issues were already sufficiently serious to paralyze movement when another became evident, the emergence of the United States as the unquestioned superpower. At the onset of the post-Cold War era, bi-polarity gave way to what was supposed to be American primacy. But the military prowess in the Afghanistan and Iraq – like the conduct of the intervention in Kosovo in 1999 – made crystal clear that “primacy” was a vast understatement. Scholars discuss the nuances of

51 Despite its opposition to new permanent members, Italy presented a plan for ten non-permanent members on a rotating basis, so that thirty states would constantly rotate on and off of the Security Council. See *ibid.*, pp. 215-217. The analysis here draws on Zacher’s summary.

52 For further information, see the *Kuala Lumpur Declaration for the Continuation of the Revitalization of the Non-Aligned Movement*, 25 February 2003, available at: <http://www.un.int/malaysia/NAM/KLdec.html>. The NAM officially lists 115 members, yet Yugoslavia is listed as a “suspended” member making the active membership at 114 states. See: www.nam.gov.za

economic and cultural leverage resulting from American “soft power,”⁵³ but there is no debate about the base hard currency of international politics, military might. Washington already was spending more on its military than the next 15 to 25 (depending on who was counting) countries. With additional appropriations for Iraq and Afghanistan, the U.S. now spends more than the rest of the world’s militaries combined.⁵⁴

With a U.S. global presence as great as any empire in history, a possible “model” for the Security Council is now emerging that resembles the Roman Senate’s efforts to control the emperor.⁵⁵ Diplomats on First Avenue described the debate surrounding the withdrawn resolution before the war in Iraq as “a referendum not on the means of disarming Iraq but on the American use of power.”⁵⁶ Complicating the picture further were splits among Europeans about the future design and leadership of the continent. The European Union’s (EU) Common Security and Defense Policy (CSDP) and the North Atlantic Treaty Organization (NATO) joined the Security Council as victims of the situation. When the EU members of the Security Council, specifically permanent members France and the UK, cohere on such Council business as African issues, they are difficult to oppose. When EU members oppose one another (as on Iraq in March 2003), the results create difficulties in the Council and reduce the credibility of the EU as a bargaining political unit.⁵⁷

The United States is a Security Council member like no other for the foreseeable future. Arguably, the U.S. is the member of the exclusive club of the P-5 that has the least to lose with any reform of the Council; its participation is a sine qua non for any major effort in the field of international peace and security. The absence of a challenger increases this perception, as only China is a possible future rival to the U.S. in the view of many academic and political analysts. Washington’s domestic and foreign policy, in many ways, directs the action and agenda of the Security Council. This “instrumental approach”⁵⁸ to multilateralism, or “ambivalent multilateralism”⁵⁹ as it is also phrased, might be the most effective use of the Council. As Malone argues, “A Council that is not an instrument of U.S. foreign policy would probably be as ineffective as the League of Nations.”⁶⁰

The current calls for Charter amendments ring hollow and overlook a harsh reality. There are two “world organizations”: the United Nations, which is global in membership, and the United States, which is global in reach and power. Indeed, the jostling about Charter reform is, quite frankly, a distraction from dealing with the realities of U.S. power and UN frailty. While critics of American hegemony

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53 Joseph E. Nye, Jr., *The Paradox of American Power: Why the World’s Only Superpower Can’t Go It Alone* (Oxford: Oxford University Press, 2002); and *Soft Power: The Means to Success in World Politics* (New York: Public Affairs Press, 2004).

54 See “Last of the Big Time Spenders: U.S. Military Budget Still the World’s Largest, and Growing,” Center for Defense Information Table on “Fiscal Year 2004 Budget” available at www.cdi.org/budget/2004/world-military-spending.cfm. This information is based on data from the U.S. Department of Defense and the International Institute for Strategic Studies.

55 This emerging reality was the basis for Paul Kennedy, *The Rise and Fall of the Great Powers* (New York: Random House, 1987).

56 James Traub, “The Next Resolution,” *The New York Times Magazine*, 13 April 2003, p. 51.

57 David M. Malone, “Conclusion,” in Malone, ed., *The UN Security Council*, p. 636.

58 *Ibid.*

59 G. John Ikenberry, “State Power and the Institutional Bargain: America’s Ambivalent Economic and Security Multilateralism” in Foot, MacFarlane, and Mastanduno, eds., *US Hegemony and International Organizations* (New York: Oxford University Press, 2003).

60 Malone, “Conclusion,” p. 637.

This reality will not change until Europeans spend considerably more on defense and have an independent military capacity.

want power to be based on authority instead of capacity, the two are inseparable. As the world organization's coercive capacity is always on loan, UN or UN-approved military operations only occur when Washington signs on. The value added of other militaries is mainly political and not operational in any meaningful way for enforcement (as opposed to traditional peacekeeping.)

This reality will not change until Europeans spend considerably more on defense and have an independent military capacity. There is little evidence, however, that European parliaments or people are willing to support substantially higher defense expenditures, despite the fact the European Commission budget provides some € 300 million per year for UN development and humanitarian assistance. When combined with national contributions from member states, the EU is the largest contributor to UN operations.⁶¹ The official European Union policy on security, *A Secure Europe in a Better World, a European Security Strategy*, was adopted by the European Council in December 2003. It identifies major objectives (terrorism, organized crime, regional conflicts, Arab-Israeli solution) and emphasizes ties to NATO and the United States.⁶² With more than € 160 billion in defense spending, the twenty-five members of the European Union have the economic capacity, if not the will, to develop a more active and interventionist military.

There has been some institutional progress. For example, in January 2004, EU High Representative for Common Foreign and Security Policy Javier Solana appointed a leader of the Defense Agency Establishment Team, which had been created in November 2003.⁶³ One analyst argues that "2003 was something of a watershed" in the EU-UN relationship. Changing from "mostly symbolic" to something more concrete.⁶⁴ The EU took over the UN's police mission in Bosnia Herzegovina, and it launched Operation Concordia in Macedonia in March 2003, the first military operation by a newly created rapid reaction force. A second operation followed in the Ituri region of the Congo in summer 2003, and Operation Artemis was the first EU out-of-area military operation under UN mandate it armed to halt an upsurge of ethnic violence. The EU operation served perhaps to demonstrate to Washington that the Union could act outside of the continent independently of NATO. This possible rationale seemed more plausible as a result of the EU's take-over of the NATO peacekeeping operation in Bosnia at the end of 2004 and its plans for a small operation in Haiti.⁶⁵

Recent studies suggest that the glass of European defense cooperation may be described as either half-full or half-empty. Proponents of the former point out those governments are stretching their military capacities and out-of-region commitments. These efforts provide some hope that an EU security identity could more enthusiastically and operationally embrace the basic idea of a responsibility to protect, and the Congo operation could become a model for future modest deployments for human protection. The European version of the Bush-articulated

61 European Commission at the UN, press release Ref: EC03-247EN EU European Commission, 9 October 2003. Available at: http://europa-eu-un.org/articles/en/article_2701_en.htm.

62 See *A Secure Europe in a Better World, a European Security Strategy*, adopted by the European Council on 12 December 2003, available at <http://ue.eu.int/uedocs/cmsUpload/78367.pdf>.

63 See Security Council Decision of 17 November 2003 to create a team to prepare for the establishment of the agency in the field of defense capabilities development, research, acquisition and armaments, EU document 2003/834/EC. This decision is available at: http://europa.eu.int/eur-lex/pri/en/oj/dat/2003/L_318/L_31820031203en00190021.pdf.

64 Alexandra Novosseloff, *EU-UN Partnership in Crisis Management: Developments and Prospects* (New York: International Peace Academy, 2004), p. 3.

65 See Andrew Moravcsik, "Europe Takes Charge," *Newsweek*, 5 July 2004, for a more detailed commentary on the rise of EU importance in international security.

doctrine – *A Secure Europe in a Better World* – lacks the crispness, and arrogance, of its American counterpart. And while spending on hardware falls considerably short of targets, nonetheless the number of European troops deployed abroad has doubled over the last decade and approaches the so-called Headline Goals. As two European experts have summarized: “This incremental approach may move some way further yet, but it will come up against budgetary ceilings, against the unwillingness of some governments to invest in the weapon and support systems needed, and against the resistance of uninformed national publics.”⁶⁶

At the same time, the national political capacities for military expenditure, however, are less robust than these more symbolic gestures unveiled after the heavy lifting is done by individual countries. As the newly appointed Anti-Terrorism Coordinator for the EU, Gijs de Vries, stated, “Practical day to day work at operational level is not something that most believe ought to be conducted centrally through Brussels.” He sees the role of the European Union as one of support for member states, national agencies, national security services, and national judicial authorities. The EU can help by providing a legal framework that allows cooperation to be pursued across borders. De Vries also notes that the measures that the EU could take in response to terrorist attacks are different from those already underway in the U.S. The idea of creating a department of homeland security is unimaginable: “We’re not the United States of Europe where Brussels could engage in such an exercise.”⁶⁷

If the purpose of the Security Council is to enforce its decisions, U.S. participation is a *sine qua non*. While European gloating over the turn of events in Iraq is perhaps understandable as a visceral reaction, the idea that the remaining superpower will continue to participate, politically or financially, in an institution whose purpose would be to limit its power has no precedent. This will be as true for the second administration of George W. Bush as it was for the first one. One reason to create the HLP was the reality that the U.S. has to remain attracted by, or at least tolerate, UN initiatives.

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If the Security Council materially disagrees with U.S. foreign policy with any frequency over critical issues, the United Nations could come to resemble its defunct predecessor. In this, President George W. Bush was on target in his September 2002 address to the General Assembly: “We created the United Nations Security Council, so that, unlike the League of Nations, our deliberations would be more than talk, our resolutions would be more than wishes.”⁶⁸ The Bush administration’s *National Security Strategy of the United States of America* was published later that same month and could not be clearer: “We will be prepared to act apart when our interests and unique responsibilities require.”⁶⁹

Can the Council engage the United States, moderate its exercise of power, and restrain its impulses?⁷⁰ Part of the reasoning behind the establishment of the High-Level Panel, in the down-to-earth words of one diplomat interviewed, was the notion of “keeping Washington in the tent.” The problematic occupation of

66 A good summary of these issues is found in Bastian Giegrich and William Wallace, “Not Such a Soft Power: The External Deployment of European Forces,” *Survival* 46, no. 2 (Summer 2004), pp. 163-182, quote at p. 179. See also, Thierry Tardy, ed., *Peace Operations after 11 September 2001* (London: Frank Cass, 2004).

67 Sharon Spiteri, “De Vries: EU fundamentally different from the US,” 10 June 2004, available at: <http://www.forum-europe.com>.

68 “President’s Remarks at the United Nations General Assembly 12 September 2002,” available at www.whitehouse.gov/news/releases/2002/09/print/20020912-1.html.

69 *The National Security Strategy of the United States of America*, available at www.whitehouse.gov/nsc/nss.pdf, p. 31.

Iraq seems to have demonstrated to at least some observers in the Beltway the sobering costs of “going-it-alone”. U.S. interests can be and have been pursued through multilateral institutions and decision-making procedures. The choice is not between the United Nations as a rubber stamp and a cipher – between the axis of subservience and the axis of irrelevance.

Depending on the issue and the stakes, the positions of other potential allies, and the plausibility of collective military action, Washington is in the unusual position of pursuing unilateral or multilateral options.⁷¹ The trick is to find when “tactical multilateralism” kicks in, on issues of international peace and security as well as such issues as the environment or pandemics.⁷²

The multilateral record of the United States in the 20th century conveys “mixed messages,” as Edward Luck reminds us. Washington sometimes has been the prime mover for new international institutions and norms but just as often has kept a distance.⁷³ This historical pattern is not about to change in today’s or tomorrow’s Security Council. America’s military predominance co-exists with a growing presumption in favor of more inclusive decision-making in multilateral forums, especially about the deployment of military force.

Indeed, a plugged-in policy advisor for the second Bush administration might well write a memo arguing that Washington could gain some cheap diplomatic points by supporting Security Council reform – knowing that it will not happen, but in the unlikely event that it does, the U.S. would be able to deal with it more easily than the other four permanent members. This is a third, and hardly trivial, reason why Charter reform is not only implausible, but a distraction from the central task of engaging Washington and making the Council’s decisions more consistent and effective.

The sun of enlightened American devotion to and leadership of the world organization set momentarily during the first administration of George W. Bush. The results of the November 2004 elections do not augur well for much multilateral sunshine in the near term. The reality of power, however, means that if the United Nations and multilateral cooperation are to flourish, the United States as the globe’s remaining superpower must be on board. The current moment is dark, but that is not to say that the kind of political commitment and internationalist vision present the last time the U.S. was so dominant on the world stage, right after World War II, will never dawn again. Indeed, it is often forgotten that the United States raced to be the first country to ratify the UN Charter – the Senate approved it on July 28, 1945, scarcely a month after the end of the San Francisco Conference. It is not unthinkable that the second Bush administration, for its own tactical purposes, will re-appropriate the wisdom of that moment for the 21st century.

70 Malone, “Conclusion,” p. 617.

71 See Stewart Patrick and Shepard Forman, eds., *Multilateralism & U.S. Foreign Policy: Ambivalent Engagement* (Boulder: Lynne Rienner, 2002). A shorter version of the main argument, but with an emphasis on the moral dimension, is Stewart Patrick, “Beyond Coalitions of the Willing: Assessing U.S. Multilateralism,” *Ethics & International Affairs* 17, no. 1 (2003), pp. 37-54. For a companion volume that emphasizes international reactions to Washington’s decisions to go it alone, see David M. Malone and Yuen Foong Khong, eds., *Unilateralism & U.S. Foreign Policy: International Perspectives* (Boulder: Lynne Rienner, 2003).

72 See Jane Boulden and Thomas G. Weiss, “Tactical Multilateralism: Coaxing America Back to the UN,” *Survival* 46, no. 3 (Autumn 2004), pp. 103-114.

73 Edward C. Luck, *Mixed Messages: American Politics and International Organization, 1919-1999* (Washington, DC: Brookings, 1999). See also Edward C. Luck, “UN Reform, Is Anybody Listening?”

5. The Range of Proposals on Some Tables

In spite of the politics seriously circumscribing any chance at amending the Charter, most of the thinking and discussions to date have revolved around a variety of formulae to side-step various political realities, or perhaps to paper them over long enough to agree on new membership while avoiding a veto. Many states, particularly African ones, seek an increase in permanent and non-permanent membership. Some states with major regional rivals, including Argentina, Canada, Italy, Libya, Mexico, Pakistan, and Turkey, support an increase in non-permanent membership only. Reform of the structure of the Security Council is often parsed as a North-South issue, though there is plenty of division within both groups. In fact, agreement on the distribution of new memberships among regional groups, in the North or South, is as complicated as reaching agreement on the number of new permanent and/or non-permanent members.

Reform of the structure of the Security Council is often parsed as a North-South issue, though there is plenty of division within both groups.

Figure 3.1 (p. 24) summarizes the main proposals under review from the decade of negotiations within the Open-Ended Working Group regarding the structure of membership and veto reforms. For existing permanent members, the general position is to limit expansion of permanent membership. Though the U.S., the UK, and France all agree to provide lukewarm support for German and Japanese bids for permanent membership, none of the existing P-5 expresses a commitment to extend the veto privilege. Russia and China are far less supportive of these “willing” potential permanent members.

States in the Global South, particularly in Africa, oppose extending permanent membership unless at least two seats for both Latin America and African states could be assured with the same prerogatives as the P-5, including full veto privileges. Indeed, the Thirty-Third Ordinary Session of the African Heads of State and Government, meeting in Harare on 2-4 June 1997, expressed the continent’s consensus against the permanent allocation of Africa’s two “permanent” seats – the logic being that three countries (Egypt, Nigeria, and South Africa) would rotate to fill Africa’s designated two “permanently rotating” seats. Periodic elections would help ensure that the countries occupying these seats were responsive to regional politics and priorities and “less subject to the strictly national interest of its various members.”⁷⁴

So-called Third Category proposals include revising the use of the veto to Chapter VII resolutions only, institutional change by lifting the ban on re-election to the non-permanent seats in a two-year rotation, and most notably, creating a third class of membership which would be longer-term non-permanent rotations selected by regional groups. This last proposal is the so-called Chilean compromise that seeks to placate the opposition from mid-size states with little chance for permanent

⁷⁴ “Harare Declaration of the Assembly of Heads of State and Government of the OAU on the Reform of the Security Council,” Harare, Zimbabwe, 2-4 June 1997, paragraph 3.

Figure 3.1: New Proposals for Membership, Veto Privilege, and Third Categories under Review

	Membership Proposals	Veto Proposals	Third Category Proposals; Consensus-Building
United States	Supports Germany/Japan as permanent members	1993 opposed to granting Developing Countries the veto; 1997 changed policy to 3 permanent seats from developing countries, but without veto support	Current P-5 with Germany and Japan as non-veto permanent members
UK, France	Initially reluctant, both UK and France support Germany's as permanent member; France also supports India's candidacy	Urge P-5 to limit exercise of veto; some propose limiting to Chapter VII resolutions	
Russia and China	No public support for new permanent memberships; though Russia recently advocated India's permanent membership	China supports additional nonpermanent membership from developing states, but not for veto/permanent status.	
Japan and Germany	Since 1992, both stress "willingness" to become permanent members	Germany prefaces permanent membership bid with existing privileges for P-5	"2 plus 3" proposal of Germany to add 3 developing countries as permanent members; also supports a "periodic review" clause every 15 years. Lifting ban on immediate re-election of non-perm members
Developing States-Asia and Africa	South Africa and Egypt object to Nigeria's permanent membership candidacy	Pakistan supports Japan and Germany only if they DO NOT receive veto privilege; OAU rejects veto for P-5, unless at least 2 African states included. Proposal 2: Veto needs 2 supporters	OAU proposes 2 seats each for Latin America and Africa in 1994 and 2002; India and Nigeria stress population criteria for new members
Developing States-Latin America	All but Venezuela and Honduras oppose Brazil's candidacy to permanent membership		Chile: regional representatives in longer terms as non-permanent; 3rd category of new perm members w/o veto by 'mid-size' states

Source: Compiled from Bardo Fassbender, "Security Council Reform," in Malone, ed., The UN Security Council, pp. 350-353, updated after confidential conversations with participants. Created by Karen Young.

membership, usually those states that are over-powered by regional rivals. As any amendment to the UN Charter will require a vote by two-thirds of the members of the General Assembly, there is little hope that any such super majority consensus is in sight.⁷⁵

The Stanley Foundation report issued in July 2004, *Updating the United Nations to Confront 21st Century Threats: The Challenge to the High-Level Panel*,⁷⁶ mentions the idea of a country "paying its way" as part of a bona fide candidacy for a Council seat. The logic is to foster new thinking by emphasizing the criteria in Charter Article 23, which refers to vague notions of equity on geographical distribution but emphasizes the concrete and demonstrated ability to contribute to international peace and security. Such criteria include financing military operations as well as contributing troops.

⁷⁵ Fassbender, "Security Council Reform," p. 353.

⁷⁶ Available at: <http://www.stanleyfoundation.org/>

6. Evolutionary, not Revolutionary, Change

Card-carrying members of the UN fan club and theologians of that elusive “international community”⁷⁷ rue that state interests remain the basis for decision-making in the world organization, but modifications in the way that states approach efforts in the Security Council nonetheless are possible even within the strictures of *raison d'état*. State practice has been anything except static. Hence, high-profile debates about Charter amendments continue apace without any progress, but unpublicized changes take place below this formal level.

Indeed, states have repeatedly modified the Security Council's procedures over the years and numerous delegates point out the importance of remaining flexible. Figure 4.1 details some of the Council's modest changes in working methods and procedures between 1993 and 2002. Under Secretary-General Kofi Annan's tenure, there have been such initiatives in the Security Council and elsewhere. What he called “the quiet revolution,” to indicate changes that could be initiated without altering treaties or asking the approval of member states in resolutions, took the form of efforts beginning in 1997 to improve efficiency and accountability.⁷⁸ Based on a June 2002 report, the Council itself has made a number of efforts at Cluster II reform issues regarding transparency, inclusiveness in proceedings, and accessibility to the General Assembly.⁷⁹

Figure 4.1: **Decisions by the Security Council related to its Working Methods and Procedures, 1993-2004**

DOCUMENT SYMBOL	DATE	SUBJECT
S/26015	30 June 1993	Format of the annual report of the SC, Presidential statements in annual series “PRST/-”, provisional agenda for formal meetings should be included in the Journal provided has been approved by the Council, program of consultations to be included in the Journal
S/26176	27 July 1993	Tentative monthly forecast of the SC
S/26389	31 August 1993	Documents of the Council should be in annual series e.g. S/1994/
S/26812	29 November 1993	Deletion of the items from the list of matters of which the Security Council is seized
S/1994/230	28 February 1994	Circulation of the Blue Draft resolution, circulation in informal consultations all press statement issued by the SG in connection with matters of concern to the Security Council
S/1994/329	23 March 1994	Distribution of the texts of statements made by members and non-members during meetings of the Security Council
S/1994/896	28 July 1994	Deletion of the items from the list of matters of which the Security Council is seized →

77 For analyses of this fuzzy notion, see “What Is the International Community?” in *Foreign Policy* no. 132 (September/October 2002) with contributions from Kofi A. Annan, Andrew Gowers, Noam Chomsky, Jeane J. Kirkpatrick, J. Bryan Hehir, Sadako Ogata, Walden Bello, Arjun Appadurai, and Ruth Wedgewood, pp. 30-46.

78 Kofi A. Annan, “The Quiet Revolution,” *Global Governance* 4, no. 2 (April-June 1998), pp. 123-138.

79 United Nations, *Procedural Developments in the Security Council-2001*, UN document S/2002/603, 6 June 2002. Available at: <http://www.globalpolicy.org/security/issues/2001procedures.pdf>

→ DOCUMENT SYMBOL	DATE	SUBJECT
S/PRST/1994/22	3 May 1994	Establishment of peacekeeping operations
S/PRST/1994/62	4 November 1994	Arrangements for consultations and exchange of information with troop-contributing countries
S/PRST/1994/81	16 December 1994	Greater recourse to open meetings of the Security Council
S/1995/234	29 May 1995	Improvements of the procedures of the Sanctions Committee on transparency
S/1995/438	31 May 1995	Improvements of the procedures of the Sanctions Committee on transparency
S/1995/440	31 May 1995	Requesting the Secretary-General to take the appropriate and necessary measures to ensure fully adequate support services for the Council, taking into account the increase in the Council's workload over recent years
S/1996/54	24 January 1996	Improvements of the procedures of the Sanctions Committee on transparency
S/1996/55	24 January 1996	Deletion of the items from the list of matters of which the Security Council seized
S/PRST/1996/13	28 March 1996	Arrangements for consultations and exchange of information with troop-contributing countries
S/1996/603*	30 July 1996	Simplification of the list of matters of which the Security Council is seized
S/1996/704	29 August 1996	Simplification of the list of matters of which the Security Council is seized
S/1997/451	12 June 1997	Format of the annual report of the Security Council
S/1998/354	30 April 1998	Monthly tentative forecast
S/1998/1016	30 October 1998	Note by the President of the Security Council Circulation of statements by troop-contributing countries and the Secretariat's briefing notes at meetings with troop-contributing countries as well as weekly briefing notes on field operations to troop-contributing countries. Invitation to relevant United Nations bodies and agencies and other Member States to meetings with troop-contributing countries as appropriate.
S/PRST/2001/3	31 January 2001	Establishment of a Working Group of the Whole on United Nations Peacekeeping Operations, to address both generic peacekeeping issues relevant to the responsibilities of the Council and technical aspects of individual peacekeeping operations.
S/2002/56	14 January 2002	Joint meetings of the Security Council Working Group on Peacekeeping Operations and troop-contributing countries as an additional mechanism for strengthening cooperation with troop-contributing countries on specific peacekeeping operations.
S/2002/964	27 August 2002	Criteria for participation in private meetings of the Council and consultation meetings with troop-contributing countries under resolution 1353 (2001), annex II, sections A and B.
<p>Sources: Compiled from <i>Global Policy Forum</i>, available at: http://www.globalpolicy.org/security/ireform/decision.htm (for data up to 1998). <i>United Nations, Notes by the President of the Security Council</i>, available at: http://www.un.org/Docs/notes/PresidentialNotesEng.htm. Created by Karen Young.</p>		

During this period, the Council itself also introduced a new oxymoron, “a private meeting open to the entire membership” of the world organization. At least four such meetings took place, which non-members were able to attend without being invited by the president of the Council on the basis of letters of request for participation.

In accordance with a note issued by the Security Council in June 2001, the Secretariat began the practice of issuing as press releases those statements made by the president on behalf of the Council. With respect to subsidiary organs, the Counter-Terrorism Committee (CTC), established in September 2001 as a result of resolution 1373, included in its work program several measures also aimed at “Transparency in the Work of the Committee.”

Instead of desperately roaming in the maze of UN corridors looking for information, non-members and the press now get regular briefings about private consultations from the president of the Security Council. The common practice also has become to circulate draft agendas and draft resolutions instead of keeping them under lock and key. Like many of the Cluster II measures, some observers see them as innocuous. However, given the highly secretive deliberations of the past, any measures that foster transparency are helpful. It is useful to recall that the pleas by U.S. President Woodrow Wilson to have a League of Nations that avoided the secret agreements that had led to the First World War resulted in UN Charter Article 102’s provisions for the publication of agreements at the UN and also for Article 35’s that even non-members can approach the Council.

The Council routinely holds consultations with troop-contributing countries and increasingly with senior UN staff, which also make a difference on the margins. It has also convened several times at the level of foreign ministers or heads of state to increase the visibility and buy-in of important deliberations and decisions. In efforts to improve the quality of the information that it receives and acts upon, the Council has requested fact sheets from the Secretariat on mission areas and, more importantly, has conducted site visits. In 2001, it conducted two such missions to the Great Lakes of Africa and Kosovo. The mission to the latter was the first one to comprise all the Council members and to be led by its president. These have continued in a variety of other hot spots including the Democratic Republic of Congo (DRC), Afghanistan, and the Sudan.

When requested, the Secretariat has organized missions by representatives to countries or regions in crisis in order to permit a better first-hand exposure to a range of views and experiences on the ground. Assuming that more knowledge helps inform decision-making, this model could be expanded by issue area. For example, a small group of humanitarians emphasized that Security Council visits “should be enhanced to make better use of participants’ strengths.”⁸⁰ The idea was that longer stays by fewer (and less senior) diplomats could help inform Council decisions and mitigate unintended political and administrative consequences.

The same logic could be applied to expanding the use of future fact-finding in relationship to such nascent security issues as AIDS or environmental threats. Indeed, former U.S. Permanent Representative Richard Holbrooke’s decision to sponsor a Council session on AIDS in January 2000 was the first time the Council convened for a health-related issue in over 4,000 meetings since 1945. This type of special issue meeting broadens the agenda of the Security Council, and allows for a more comprehensive notion of peace and security in the 21st century.

80 The Stanley Foundation, *UN on the Ground* (Muscatine: Stanley Foundation, 2003), p 15.

Pragmatic modifications in working methods respond in concrete if small ways to the need for more openness and accountability as well as more diverse inputs into decision-making.

These “missions” are distinct from regular sessions of the Security Council, which occasionally take place outside of New York. For instance, in mid-November 2004 the Council held a two-day meeting in Nairobi to discuss the civil conflicts engulfing the Sudan. This was only the eleventh time in its history away from UN headquarters. Other similar sessions were in London, Paris (twice), Geneva, Addis Ababa, and Panama City as well as several places in New York State other than on First Avenue. Such deliberations would seem to hold less potential to change perception of members about conflicts than field missions.

Under the so-called Arria formula, an individual member of the Council can now invite others for a candid exchange with independent experts and civil society. This tool is named after former Venezuelan ambassador Diego Arria who believed his colleagues on the Security Council could benefit from a briefing on the humanitarian situation in the former Yugoslavia from Father Zocko (an orthodox priest from Medjugorje, Croatia) in 1993. This session was soon followed by briefings from Richard Goldstone on his report about justice in South Africa⁸¹ and from Bosnian President Alija Izetbegovic. Later the International Committee of the Red Cross and Human Rights Watch were the first private institutions to appear. At present, such meetings take place virtually every month, sometimes more often, with attendance typically at a senior level (permanent representative or deputy). Only rarely do Security Council members not attend, and no official Council sessions or consultations take place when Arria-formula meetings are scheduled.

This tool has been employed often enough since that some skeptics go so far as to criticize its overuse.⁸² And some governments, according to former New York Times correspondent Barbara Crossette, are alarmed and “would rather not have the Security Council learn too much about their problems”.⁸³ The potential for such openings has also been demonstrated by more formal meetings with heads of UN units or organizations as well as private retreats with the secretary-general and his senior management team.

In his report to the 57th General Assembly,⁸⁴ the Secretary-General highlighted the engagement of civil society as an aspect of the UN reform process and announced that he would “assemble a group of eminent persons representing a variety of perspectives and experiences to review past and current practices and recommend improvements for the future in order to make the interaction between civil society and the United Nations more meaningful”.

In February 2003 he appointed former Brazilian president Fernando Henrique Cardoso to chair a panel of 12 individuals with experience in both the governmental and non-governmental sectors. This panel’s main task was to produce a set of practical recommendations about how the UN’s relationship with civil society, as well as with the private sector and parliaments, could be improved. Its final report

81 *The Commission Report To The Commission Of Inquiry Regarding The Prevention Of Public Violence And Intimidation By The Committee Investigating Public Violence And Intimidation At Crossroads During March-June 1993*, 11 November 1993, available at

http://www.anc.org.za/ancdocs/history/transition/gold_crossrd.html

82 See also Luck, “UN Reform, Is Anybody Listening?”

83 Barbara Crossette, “Keeping the Security Council Door Ajar,” *New York Times Magazine*, 4 February 2003.

84 Kofi Annan, *Report of the Secretary-General on the Work of the Organization*, UN Document A/57/387, 9 September 2002.

argues that Security Council members, with support from the secretariat, should emphasize the involvement of participants from conflict-affected countries and include such dialogue in Council field missions. The Cardoso report encourages conducting commissions of inquiry after Council-mandated operations, among other things, to draw on the experience of civil society organizations.⁸⁵ And the HLP referred specifically to this report and later echoed the sentiment and would “welcome greater civil society engagement in the work of the Security Council”.⁸⁶

The reform debate has also led to proposals that stop short of Charter amendments, but which amount to alternative formulas to finesse the veto. The P-5 could voluntarily exercise greater restraint – for example, by restricting the veto only to matters under Chapter VII enforcement action,⁸⁷ and even for one type of coercive decision (humanitarian intervention) to abstain in matters where vital interests are not involved.⁸⁸ A “gentlemen’s agreement” about such restraint would offer no guarantees, of course. But public engagements, however circumscribed and cautious, nonetheless have a way of exerting pressure on signatories. Indeed, the HLP recommended two measures along these lines. The first is “to refrain from the use of the veto in cases of genocide and large-scale human rights abuses”. The second is to introduce a system of “indicative voting,” an unofficial show of hands without “any legal force” before the actual vote “under current procedures”.⁸⁹

An expression of voluntary restraint would represent a precedent of calling upon selected states to give up rights previously acquired by treaties, but this is far less onerous than amending the Charter. This obstacle could be minor, however, because of the precedent involving the interpretation now given to Charter Article 27. This text notes that Chapter VII actions require “affirmative votes of nine members, including concurring votes of permanent members”. The nine-vote requirement remains, but abstentions by permanent members have over time been interpreted to not stand in the way of an affirmative decision.⁹⁰ This cooperative, non-legislated action holds the potential for the P-5 to demonstrate foresight, leadership, and voluntary restraint. Momentum could lead to change in other areas.

Another approach is to seek institutional stamps of approval outside the Security Council – either when it is paralyzed or even distracted. Clearly, this is far more controversial, and many object. Nonetheless, there is relevant historical experience. This point was made most distinctly by the Kosovo Commission, an independent group of human rights proponents. They argued that NATO’s 1999 humanitarian war was “illegal” (because it had no Security Council authorization) but “legitimate” (because it was ethically justified).⁹¹ Another variation was the decision by the

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85 United Nations, “*We the Peoples: Civil Society, the United Nations, and Global Governance: Report of the Panel of Eminent Persons on United Nations-Civil Society Relations*,” UN Document A/58/817, 7 June 2004.

86 *HLP Report*, paragraphs 243 and 260.

87 See, for example, Independent Working Group, *The United Nations*, p. 16, and Russett, O’Neill, and Sutterlin, “Breaking,” pp. 77.

88 International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: ICISS, 2001), p. xiii. This report and the accompanying volume by Thomas G. Weiss and Don Hubert, *The Responsibility to Protect: Research Bibliography, and Background* (Ottawa: ICISS, 2001) are also available at: <http://www.dfaei-maeci.gc.ca/icciss-ciise/report-en.asp>.

89 *HLP Report*, paragraphs 256-7.

90 For a more detailed discussion of Article 27 and its uses, see Bailey and Daws, *The Procedure of the UN Security Council*, pp. 250-251.

91 Independent International Commission on Kosovo, *Kosovo Report: Conflict, International Response, Lessons Learned* (Oxford: Oxford University Press, 2000), p. 4.

Indeed, were the Council ever to be expanded, the likelihood of paralysis would undoubtedly increase because of the inertia resulting from larger numbers. Hence, the likelihood that action would be pushed away from the UN would also increase.

Economic Community of West African States to intervene in Sierra Leone, which was only subsequently blessed by the Security Council. Such *ex post hoc* scrutiny is better than none at all and permits rapid action with some accountability.

Indeed, were the Council ever to be expanded, the likelihood of paralysis would undoubtedly increase because of the inertia resulting from larger numbers. Hence, the likelihood that action would be pushed away from the UN would also increase. Regional organizations would become more relevant. Whether they would act under Chapter VIII of the Charter and remain under Security Council scrutiny is another matter.

Another alternative – one that frequently is discussed but rarely utilized – would be “the General Assembly in Emergency Special Session under the ‘Uniting for Peace’ procedure”.⁹² The fact that it has been used only three times to authorize military action – the last in the early 1960s for the Congo – reduces its relevance in the eyes of many commentators, including this one. It is sometimes forgotten that the General Assembly understands – as the League’s Assembly before it – the idea of coalitions of the willing, which after all is one of the oldest aims of diplomats. Both have acted in the security field by setting up programs and recommending that members take part in them – for instance, where biting boycotts were set up against Italy in the Abyssinian case and against South Africa during the apartheid era. The original Uniting for Peace resolution even contained a clause looking to the voluntary creation of a UN force in cases where the Security Council was unable to act – that is, paralyzed by the veto.

The main hurdle, once a security matter has been brought before the General Assembly, is the requirement to have a two-thirds majority of members present and voting. Although it would only be a “recommendation” (whereas the Security Council’s decisions are obligations), the necessary backing in the General Assembly might have a moral and political weight sufficient to render the use of force as “legal” even without the Council’s endorsement. It would certainly be regarded as legitimate. Indeed, a vote in the Assembly that even came close to the required two-thirds majority would confer a certain amount of legitimacy on a decision to use force.

It is arguably the case that even a truly cosmopolitan coalition could provide substantial evidence of countries’ being sufficiently persuaded of the justness of their cause to commit troops and risk international criticism.⁹³ Clearly, this was not the case in Iraq, but a comparable military action that has widespread support, especially from countries within a region in conflict, could provide a kind of ethical imprimatur if the Security Council is paralyzed and the General Assembly too torn to act authoritatively.

⁹² ICISS, *The Responsibility to Protect*, p. xiii.

⁹³ For an extended argument with relationship to humanitarian intervention, see Weiss and Hubert, *The Responsibility to Protect: Research, Bibliography, and Background*, particularly chapters 6 and 7.

For most observers, the Security Council will remain the first port of call to authorize the use of military force. “The difficult question”, as former Australian Foreign Minister Gareth Evans has remarked, “is whether it should be the last.”⁹⁴ For this writer, and many other observers and decision-makers, the answer clearly is no.

Views are divided about the wisdom of navigating a slippery slope outside the Security Council. Many countries, from Europe and the Third World, are reluctant or even unwilling to acknowledge the legitimacy of military force that is not specifically sanctioned by the Council, even for humanitarian purposes.⁹⁵ For them, the authority of the international political process, however flawed, is at least regulated. And for many legislators and parliamentarians in the West, UN authorization is essential to secure their consent to deploy national military forces. For these people, setting aside this procedure, as NATO did in Kosovo and the U.S. and UK did in Iraq, threatens the main rules that underpin international society.⁹⁶

In examining the legal gymnastics to justify the use of force in Iraq, for instance, Michael Byers has made a case for “exceptional illegality”. Rather than trying to change long-standing and largely effective rules – and here a reformed Security Council would undoubtedly be even more hamstrung than the present one – he asks, “whether, in truly exceptional circumstances where a serious threat exists, no invitation can be obtained, and the Council is not prepared to act, states should simply violate international law without advancing strained and potentially destabilizing legal justifications.”⁹⁷

A growing number of observers are uncomfortable with pitting against each other the straw men of idealism (international law) and of realism (the Bush administration’s National Security Strategy). As such, statecraft that respects international law should “be seen not so much as idealism as a kind of second- or third-generation realism, and legal and moral principle as the decision-rule suggested by accumulated experience.”⁹⁸ Essentially, American foreign policy is being challenged by some of the very mechanisms created and used by the United States for the last half-century. This should give pause, even to neo-conservatives.

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94 Gareth Evans, “The Responsibility to Protect and September 11”, speech in Ottawa, 16 December 2002, available at www.intl-crisi-group.org/projects/showreport.cfm?reportid=860.

95 See, for example, Mohammed Ayoub, “Humanitarian Intervention and State Sovereignty”, *The International Journal of Human Rights* 6, no. 1 (Spring 2002), pp. 81-102.

96 Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (New York: Columbia University Press, 2002), 3rd edition. For a contemporary argument related to Bull’s original 1977 book, see Robert Jackson, *The Global Covenant: Human Conduct in a World of States* (Oxford: Oxford University Press, 2000); and Mohammed Ayoub, “Humanitarian Intervention and International Society”, *Global Governance* 7, no. 3 (July-Sept. 2001), pp. 225-230.

97 Michael Byers, “Letting the Exception Prove the Rule”, *Ethics & International Affairs* 17, no. 1 (2003), p. 15. He made a similar case in relationship to Kosovo. See Michael Byers and Simon Chesterman, “Changing the Rules about Rules? Unilateral Humanitarian Intervention and the Future of International Law”, in J. F. Holzgrefe and Robert O. Keohane, eds., *Humanitarian Intervention: Ethical, Legal and Political Dilemmas* (Cambridge: Cambridge University Press, 2003), pp. 177-203.

98 Hendrickson, “Preserving the Imbalance of Power”, p. 158.

7. Conclusion: What Next?

The key to innovations – according to Diego Arria who, during his tenure on the Security Council, was responsible for three of them – is informality. Pointing out during an interview that the Council’s “Provisional Rules of Procedure” had been “provisional” since 1946, he emphasized the importance of successful experiments becoming traditions rather than being formally codified. That is, it would be a mistake to spell out any procedures for the Arria formula or other experiments. Unlike philosophers who are worried when what works in practice does not in theory (or presumably in hard law), Arria respects the philosophy of Yogi Berra: “If it ain’t broke, don’t fix it.”⁹⁹

In tactical terms, even those interested in actually amending the Charter should well ponder whether initiating a series of small steps to maintain momentum is more sensible than giant steps. For instance, eliminating the clause in Article 23 limiting an elected term to two years – for instance, not insisting that Germany revolve off at the end of December 2004, and Japan the end of December 2006 – would undoubtedly garner more consensus than attempts to change the numbers of permanent members, and the result could be similar.

The call for a dramatic change in the Security Council, like much else, has been placed on the back burner since September 11th. The HLP’ report is an attempt to put an assessment of new threats, and hence of new UN institutional ways to address them, more in the limelight. And the lead-up to the report’s publication in late November 2004 was visible indeed. The panel’s recommendations will be considered at a world summit at the UN’s New York headquarters just before the General Assembly convenes in September 2005 on the occasion of the 60th anniversary. Also on the agenda will be a comprehensive evaluation of the Millennium Development Goals (MDGs). The “grand bargain” supposedly made possible by placing something on the table for every country is intended to make it possible to revisit proximate and longer-range changes in the Security Council.

Everyone can agree that the Council’s decisions should have greater political clout based on greater legitimacy. How to get there from here has always been the problem.

Indeed, and whatever the plausibility, the HLP’s report had to contain such a reference or it would have been impossible to “sell” its findings. The 2001 report from the International Commission on Intervention and State Sovereignty (ICISS), for instance, made similar obligatory references to the Council’s membership that was not “representative of the modern era” and to the “capricious use of the veto”.¹⁰⁰ While they were part of getting commissioners to agree to the politically correct packaging, they were largely irrelevant to follow up on “the responsibility to protect”. Everyone can agree that the Council’s decisions should have greater political clout based on greater legitimacy. How to get there from here has always been the problem.

⁹⁹ In a letter to Russian Ambassador Sergey Lavrov, dated 23 October 1997.

¹⁰⁰ ICISS, *The Responsibility to Protect*, p. 51.

While the chances for any movement are slim, to say the least, the overall billing to be given to the High-Level Panel's work is dependent upon its recommendation about the Council. Having made the decision that it would be impossible to say nothing and that the report must go beyond the vague generalities made by the ICISS, for instance, the two options were to endorse the Razali recommendations of several years earlier or to come up with their own.

The HLP opted for the latter. Their recommendations consist of three elements. First, there should be an expanded 24-member Council, but the HLP puts forward two alternatives. In addition to the P-5 and ten elected members, "Model A provides for six new permanent seats... and three new two-year term non-permanent seats... Model B provides for no new permanent seats but creates a new category of eight four-year renewable-term seats and one new two-year term non-permanent (and non-renewable) seat." In both models, the veto should remain the prerogative only of the P-5, and seats would be "divided among the major regional areas".¹⁰¹ Figure 6.1 summarizes the panel's two proposals.

Figure 6.1: HLP Alternative Models on Expanding the Security Council					
Model A provides for six new permanent seats, with no veto being created, and three new two-year term non-permanent seats, divided among the major regional areas as follows:					
Regional area	No. of States	Permanent seats (continuing)	Proposed new permanent seats	Proposed two-year seats (non-renewable)	Total
Africa	53	0	2	4	6
Asia and Pacific	56	1	2	3	6
Europe	47	3	1	2	6
Americas	35	1	1	4	6
Totals model A	191	5	6	13	24
Model B provides for no new permanent seats but creates a new category of eight four-year renewable-term seats and one new two-year non-permanent (and non-renewable) seat, divided among the major regional areas as follows:					
Regional area	No. of States	Permanent seats (continuing)	Proposed new permanent seats	Proposed two-year seats (non-renewable)	Total
Africa	53	0	2	4	6
Asia and Pacific	56	1	2	3	6
Europe	47	3	2	1	6
Americas	35	1	2	3	6
Totals model B	191	5	8	11	24
Source: United Nations, Report of the High-level Panel on Threats, Challenges and Change, A More Secure World: Our Shared Responsibility, UN Document A/59/565, 29 November 2004, paragraphs 252 and 253.					

101 HLP Report, paragraphs 244-260 concern the Security Council.

Second, Charter Article 23 never specified diversity as a criterion for membership but rather the willingness of Council members to contribute to the maintenance of international peace and security along with equitable geographical representation. The panel would like to enforce a largely ignored criterion (in the report's words, contributing "financially, militarily and diplomatically") as part of the selection and re-election criteria of those aspiring to membership. Third, the panel suggests a full review in 2020.

According to commentary by *The Economist* on the basis of an earlier leak about Model A, "The beauty of this formula... is that everyone wins. Some may have hoped for more, but at least no one loses".¹⁰² But at that point in July, the so-called "Gang of 4" – Japan, Germany, Brazil, and India, the four countries with the highest hopes of a permanent seat at the UN's new high table – launched a full-court press against the proposal. The result was a two-part proposal from the HLP – which is the only time in recent history that an independent commission or panel has made a "recommendation" that is not a recommendation but an option. This would seem prima facie evidence of paralysis: If a group of 16 individuals cannot come up with a single recommendation, how will 191 states and their parliaments?

It is unclear how the forthcoming debate will pacify the usual nemeses, or why many delegations will find the suggested changes preferable to the status quo. While prediction is not really in a social scientist's job description, it would surprise us if such changes occur anytime soon. Why? The jealousies and vested interests that have plagued this issue since the 50th anniversary will remain intact for the 60th anniversary and well beyond. It is not clear, although perhaps not unthinkable, that the most serious candidates (especially Germany and probably Japan) will agree to take half-a-loaf – that is, no veto with a permanent seat. It is not clear that Britain and France will accept the inevitable discussion of an EU seat that would be on the agenda at the fifteen-year review. It is not clear that the U.S. will agree to consider a 24-member body. It is not clear that some of the main "losers" (the Italy's, Algeria's, Mexico's, Pakistan's, and Nordics of this world) will not go to the mat over the very issues to which they have consistently objected. It is not clear why Arab or Eastern European states would agree to an allocation that makes no specific allocation to them. Nor is it clear how the recommended changes will improve the chances of reaching consensus on decisions regarding the use of force.

"It's 2005 or not at all" was a sentiment echoed by more than a few diplomats during interviews about Security Council reform. They seemed to be commenting on two issues: the unusual alignment of stars (the UN's 60th birthday, the HLP's report, and the Millennium +5 Summit); and diplomatic fatigue over the seemingly never-ending consideration of the topic. This author's personal view resembles that of a general conclusion from a brainstorming group organized by the Stanley Foundation to discuss the HLP: "This is a campaign of a thousand skirmishes, rather than one decisive battle."¹⁰³ Although predictions about the future in international politics are always dangerous, momentous changes are unlikely.

102 See, for example, "A Winning Recipe for Reform?", *The Economist*, 24-30 July 2004, pp. 45-46.

103 Stanley Foundation, *Capturing the 21st Century Security Agenda: Prospects for Collective Responses* (Muscatine, Iowa: Stanley Foundation, 2004), p. 26.

Thus, since the 50th anniversary of the United Nations, not much has changed on respective positions, although Germany and Japan appear to have become more impatient about their restricted roles as ATM's for the UN budget. A far more important change, however, has been in the occupant of the White House and American foreign policy after 11 September 2001. In addition, the re-election of George W. Bush in November 2004 and the Republican dominance of the Congress make taking Charter amendments to the U.S. Senate a fool's errand.

In the next decade, the Security Council will retain, in the Charter's original words, "primary responsibility for the maintenance of international peace and security". Yet, the Council will also retain the same permanent members with vetoes and, in all likelihood, the same number of elected members. In short, the HLP's recommendations will remain a dead letter.

"Rarely have such dire forecasts been made about the UN", Kofi Annan lamented in his 2003 report on the work of the organization.¹⁰⁴ He was referring to a veritable din of criticism which suggested that without a more effective and less anachronistic Security Council the world organization could not survive. Such ominous predictions have come and gone with great regularity over the last 60 years, and the lack of real change in the Council in the foreseeable future will neither confirm nor deny the latest batch, including those by the High-Level Panel on Threats, Challenges, and Change.

While rhetorical fireworks over the last decade have not and will not enable Charter amendment per se, they undoubtedly have contributed to a permissive environment that facilitated pragmatic modifications in working methods. Such modifications are unlikely to make a substantial dent in the national-interest decision-making in the Security Council under its current membership and procedures, but neither would amending the UN Charter. The gains in transparency from such modifications, nonetheless, are not trivial. The potential to nourish them and to invent new ones is a more promising way to improve Security Council accountability and effectiveness than excessively naïve and optimistic notions to amend the Charter.

Will the inability to move ahead with dramatic reforms compromise UN credibility on matters shaping the future use of force? The answer is "probably not", or at least "not more than in the past". The continued dithering about the slow-motion genocide in Darfur, for instance, reflects geopolitical realities that would be even more prominent in a Security Council that resembled a "rump General Assembly".

104 *Report of the Secretary-General on the Work of the Organization*, UN Document A/58/1, 26 August 2003.

8

Annex 1: **Results of a Questionnaire on Security Council Reform, October 2004**

In preparation for the round-table discussion, “Overcoming the Security Council Impasse: Envisioning Reform”, held on 28 October 2004 at The Graduate Center of The City University of New York, invitees (whether they were able to attend or not) received a web-based questionnaire via email. The questionnaire data remained anonymous, although respondents were asked to identify themselves by current occupation or affiliation. The purpose of the questionnaire was to gauge the level of consensus surrounding two types, or clusters, of reforms of the Security Council in order to jump-start debate. Type I reforms consist of Charter amendments specifically related to the expansion of Security Council membership, both permanent and non-permanent; and also, how the distribution and use of the veto privilege might be modified. Type II reforms consist of mechanisms to increase Security Council accountability, mainly through a series of innovations in procedure. The text of the questionnaire is reproduced at the end of this annex. Simple checked responses were also complemented by the opportunity to type in more detailed information.

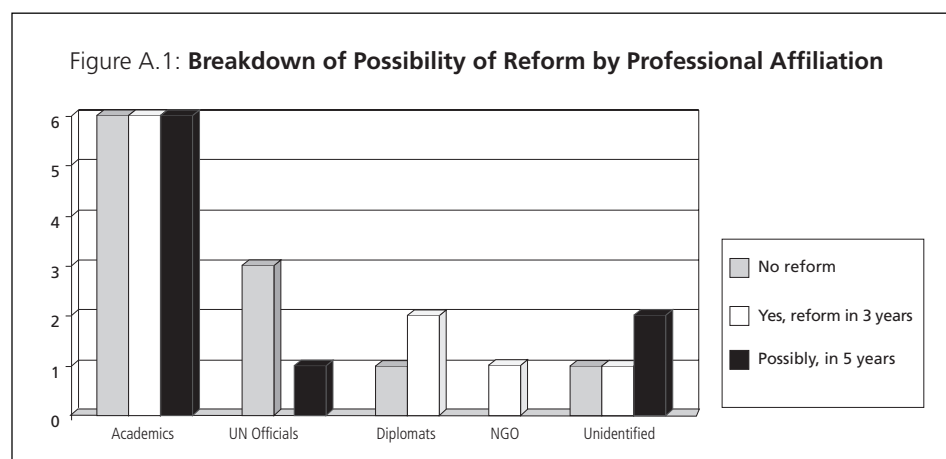
Survey Pool

Before addressing recommendations and evaluations of the two types of reforms, we surveyed respondent affiliation as diplomat, academic, United Nations official, or representative of a non-governmental organization. The survey reached some 70 individuals, with an even mix of the above affiliations. The respondents of the survey, however, were less diverse, though they do represent an informed and involved population on the issue. Who better to ask about the use of the Arria formula than former Venezuelan Ambassador Diego Arria, or about Germany’s bid for a permanent seat on the Council than Ambassador Gunter Pleuger? Thirty responded, but the majority (18) identified themselves as academics, even though some of them have experience as practitioners. Also, many UN officials, diplomats, and NGO representatives have had careers spanning public service as well as research and teaching, which could explain how self-identification may vary from current occupation. Three respondents identified themselves as diplomats, four as UN officials and one as an NGO representative. Four respondents chose not to answer the question, and it is likely (confirmed through informal conversations) that these were diplomats who are reluctant to take public positions, however anonymous.

Type I Reforms

There was significant division among respondents regarding the possibility of reform of Security Council membership and veto privileges in the near future. Regarding membership reforms, a third of the respondents thought reform likely in the short-term, while another third disagreed completely about the possibility of reform. The remaining third argued that membership reform might be possible in the next five years, rather than three. More interestingly, this same division appeared across and within affiliated groups. For example, among academic respondents, one-third saw no possibility for reforms, while two-thirds saw reforms as possible in either a three- or five-year period. Three out of four UN officials saw no possibility of membership reforms. Among diplomats, of course, two out of three saw membership reform as a clear possibility within three years. Figure A.1 depicts these findings, which do nothing to dispel the argument in the preceding pages that there is little meeting of minds about the details, and hence the feasibility, of reforms.

From the qualitative data gathered in the survey, responses were equally divided. Many respondents – whether in academic, diplomatic, or UN official capacities – placed a heavy burden on the expected recommendations from the High-Level Panel on Threats, Challenges and Change to provide momentum for reform. One academic captured a more widespread sentiment, “The High Level Panel will recommend it and likely have the prestige, and reflect the deep desire for change, to be persuasive.” Others noted the “growing clamor for representativeness” among the G-77 as the most likely impetus for membership reform. Those skeptical of expansion noted two reasons in particular for the lack of a workable reform agenda. One observer noted the first: “Europeans are over-represented and until there is a rotating seat, no reform will occur.” The second reason revolves around the difficulties of agreement on the number of expanded seats within the membership as a whole, and the uncertainty of approaching the U.S. Congress to ratify any Charter amendment. As one academic/analyst wrote, “Any formula other than a simple enlargement of the number of elected members will run into the same continuing difficulties in reaching agreement. Reform limited to increased number of elected members will not satisfy the Japanese, Germans, Indians, Nigerians, etc. Even if a simple increase in elected members is agreed, the ratification process will take more than three years given present attitudes in U.S. Congress.”



On the issue of reforming the distribution and use of the veto, there was virtual unanimity among survey respondents. Twenty-six of the thirty did not expect any change in the veto privilege, even if new members are added to the Security Council. Respondents gave two key reasons for the impossibility of a change in the veto privilege: the interests of the five permanent members who would never allow it, and competition and lack of cohesion among member states of the Global South to recommend and support one of their own.

When queried about *any* possible Charter reform in the near future besides the Security Council, three recommendations surfaced among the survey pool: reformation of ECOSOC, removal of the “enemy state clauses” from the Charter, and a change in use of the Trusteeship Council. Some creative Charter amendments included: a mandatory reconsideration of the Council every 15 years, the introduction of weighted voting in the General Assembly, and abolishing the two-year rotation rule.

Type II Reforms

There are a series of innovative mechanisms currently being used by the Security Council, and they provide elements of enhanced accountability and facilitate the flow of reliable information among the members of the council and of the world organization as a whole. Our survey asked respondents to rate these mechanisms in terms of their usefulness and the optimal frequency of their use. The survey examined eight such mechanisms in Security Council procedure: external consultations (the so-called Arria formula), site visits, independent commissions, troop-contributing member consultations, issue task forces, retreats with the Secretary-General and staff, summits, and non-member briefings.

The Arria formula’s consultations by the Security Council with outside experts, civil society members, and individuals able to provide relevant information on peace and security crises were clearly popular. Among our survey respondents, an over-whelming majority found these consultations useful, though a third found their sparing use to be vital. In the case of many of these innovations, the ability to access external experts and commissions, as well as convening UN leaders and diplomats, relies on infrequent use to attest to real crisis situations. Figures A.2 and A.3 contain details of support for the Arria formula and independent, external commissions.

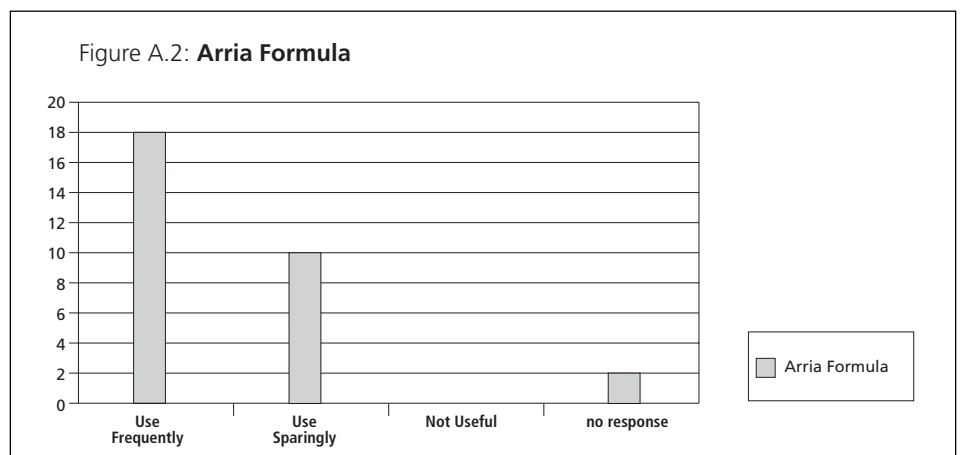
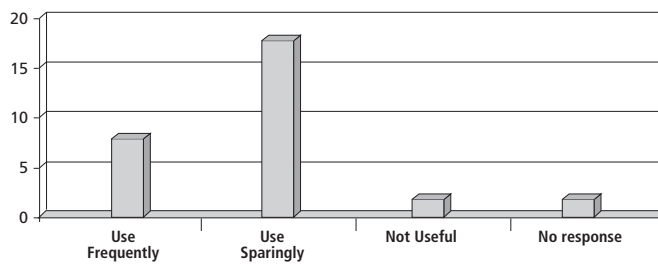


Figure A.3: **Independent, External Commissions**

Of those who recommend frequent use, 75% are academics.
 3 out of 4 UN officials recommended external commissions to be used sparingly.



Similarly, more than half of respondents found that retreats with the Secretary-General and his staff, summit-level meetings, and issue-specific commissions (such as the Counter-Terrorism Committee) were best used sparingly. In fact, over two-thirds of respondents suggested less frequent use of summit level meetings as well presumably because they are costly, difficult to organize, and subject to possible fatigue when over used. Non-UN and non-diplomat respondents were generally more supportive of external commissions and issue-specific commissions than their official counterparts. Figures A.4 and A.5 depict these findings.

Figure A.4: **Issue-Specific Task Forces (e.g. CTC)**

Note: The NGO sample size = 1 and UN officials = 4.
 However, the mixed response of diplomats and academics is significant.

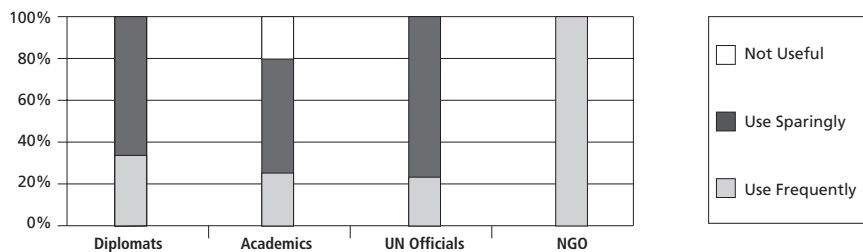
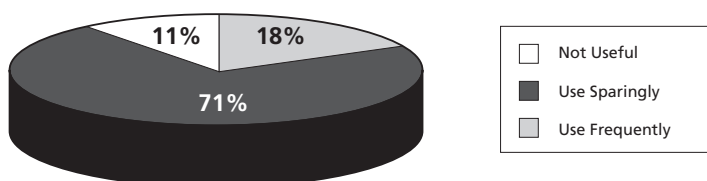
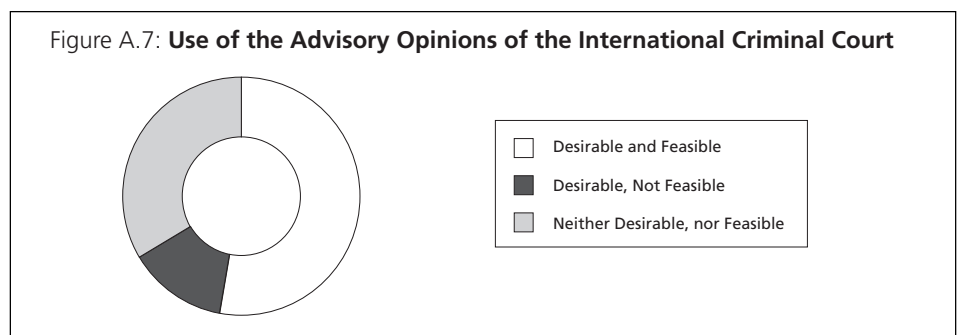
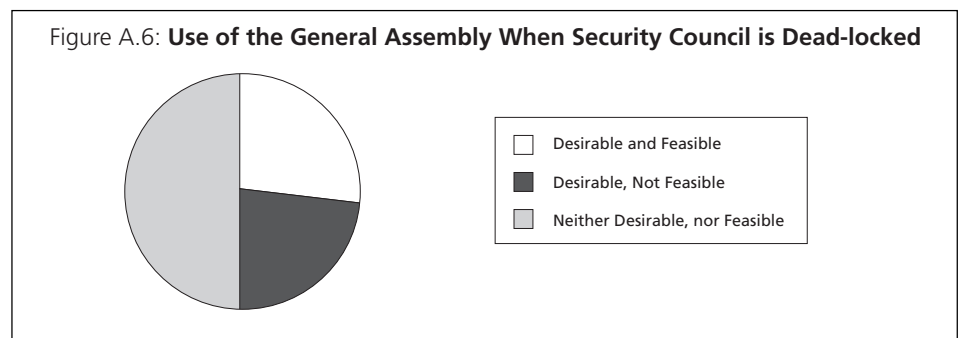


Figure A.5: **Summit Level Meetings**



Two innovations in procedure which received wide-spread support were briefings for non-members of the Security Council and consultations with troop-contributing members. Again, virtually everyone (26 out of 30 respondents) favored consultations with troop-contributing members; and 21 out of 30 favored frequent briefings for non-members, and 4 out of 30 favored their use at least sparingly.

Views about two more contentious innovations in procedure emerged as well. More than half of the survey respondents found the use of the General Assembly when the Security Council is dead-locked to be neither desirable nor feasible—perhaps unsurprisingly because this mechanism is discussed often but has not been used in forty years. This majority was representative of academics, UN officials and “others” – those who chose no affiliation. The second and perhaps surprising possible innovation involves advisory opinions from the International Court of Justice (ICJ). More than half of respondents found the use of ICJ opinions to be both desirable and feasible – perhaps surprising as this mechanism has not been used, which undoubtedly explains why a third of respondents found the use of the ICJ to be neither desirable nor feasible. Figures A.6 and A.7 contain details of these findings.



When asked for open-ended suggestions to improve Security Council accountability and effectiveness, our survey respondents offered a number of suggestions. Several to increase information access, such as circuit television coverage of Security Council sessions, or published transcripts of debates and presentations in informal consultations. Others suggested more regional integration and information-sharing between member states, such as regional rapporteurs and regular meetings of Security Council members with their General Assembly regional counter-parts. Only one respondent put forward the idea that two permanent members of the Security Council be required to force a veto, a suggestion that circulates elsewhere.

In sum, the expert survey provided some confirmations of general expectations of existing reform proposals on membership and veto privileges, while they also offered some creative and occasionally surprising assessments of innovations in Security Council procedure.

9

Annex 2: Overcoming the Security Council Impasse Survey Questionnaire for Expert Panel Members

Please choose from the following menu your primary affiliation at this time:

Diplomat
Academic/analyst
NGO/advocate
UN official
(none)

A. Charter Amendments: Membership and Veto Issues (Cluster I)

1. *Will there be reform of the membership of the Security Council in the near future (next three years)?*
Yes
No
Yes, but more than 5 years from now.
Why?
2. *If new members are added to the Security Council, will there be change in the distribution or privilege of the veto, as it currently stands?*
Yes, new members will receive veto privileges.
Why?
No, the P-5 only will retain the veto
Why?
3. *Is there any other Charter amendment that could plausibly be enacted in the next decade?*

B. Security Council Accountability (Cluster II)

1. *Please provide your assessment about the following innovations in procedure. Please assess these innovations based on the following three categories:*
 - (a) Is very useful and should be used more often.
 - (b) Is useful on occasion, but should be used sparingly.
 - (c) Is of doubtful utility.

Procedural Innovations	Is very useful and should be used more often	Is useful on occasion, but should be used sparingly	Is of doubtful utility
Arria Formula (external consultation)			
Site visits to crisis zones			
Independent, external commissions			
Troop contributing member consultations			
Task forces on specific issues (e.g., CTC)			
Retreats with the Secretary-General and staff			
Sessions at the Summit level			
Briefings for non-members			

2. *Please rank the following possibilities for accountability according to your opinion on their respective feasibility and desirability.*

Please assess these possibilities based on the following three categories:

- (a) Would be desirable and feasible
- (b) Is desirable but not feasible
- (c) Is neither desirable nor feasible.

Possible Reforms	Would be desirable and feasible	Is desirable but not feasible	Is neither desirable nor feasible
Using the General Assembly when Security Council is deadlocked			
Advisory opinions from the ICJ			

3. *Please give any other suggestions/proposals of your own for increased accountability in the current arrangement of the Security Council.*

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