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A New Proposal For UN Security Council Reform

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28 May 2019

UN Security Council reform has been deemed necessary for decades. The proposed Two-Layered Regional model seeks to eliminate the many flaws of the current system.

Author's Note: this text draws from the co-authored article "United Nations Security Council Reform Revisited: A Proposal", Diplomacy & Statecraft, published on 27 February 2019.

The United Nations Security Council has several significant problems. First, the membership of the Security Council has changed very little since its inception in 1945, even though the number of UN member states has almost quadrupled since then and the relative power of member states has changed significantly. The only change in membership has been the addition of four non-permanent seats in 1965. African states call the under-representation of Africa a "historical injustice" which needs to be corrected.

Second, the differences between permanent and non-permanent seats produce a highly unequal and inefficient Security Council. The five permanent members (P5) – Britain, France, United States, Russia and China – possess permanent seats and have the privilege of the veto whilst the status of non-permanent members is low. The former Ambassador of New Zealand Colin Keating has explained that the non-permanent members have essentially been relegated to a role of rubberstamping decisions made by the P5 or choosing between their contending positions. Similarly, the Permanent Representative of Ireland has publicly called the Security Council debates a sham that very few governments even stay to hear. Moreover, the P5 have on many occasions

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abused their veto powers. Another important issue regarding the veto is that the decision probability in the Security Council remains very low. Although the formal, public use of the veto has decreased in the last few decades, this has mostly been caused by moving the activities of the Security Council behind closed doors where threats of veto are made in private.

Most importantly, the performance of the Security Council in maintaining international peace and security has been poor. It failed in its actions in Somalia, Bosnia and Rwanda. In Somalia, the choice of strategy was counterproductive and Washington's political timetable for the mission too arbitrary. In Bosnia, the operation was severely undermanned and the Security Council failed to provide adequate protection for the UN safe areas, resulting in the Srebrenica Massacre. In Rwanda, an insufficient mandate and the Council's refusal to strengthen the peacekeeping force once the genocide began doomed the operation. Britain, the United States and France all actively avoided using the term "genocide" to escape their responsibility to intervene. France actually supported the Rwandan government and provided it with arms and ammunition even during the genocide. Interventions in Iraq (2003) and Kosovo (1999) proceeded without Security Council approval.

More recently, the Security Council has failed to act to resolve crises in Crimea, Syria and Yemen. As a result, Nabil Elaraby – an Egyptian diplomat, a former Secretary General of the League of Arab States, and a former judge in the International Court of Justice – claims that the international protection system enshrined in the UN Charter has ceased to exist. However, member states are not abandoning the Security Council as is shown by its ever-increasing workload.

As a result of its shortcomings, reform of the Security Council has been deemed necessary. In 2009, some 140 member states requested to move on to text-based negotiations to pursue reform.

The Current Reform Proposals

The current negotiation process is based on Decision 62/557 which was adopted in 2008. It defines five key issues for reform: categories of membership, the question of the veto, regional representation, the size of an enlarged Security Council and its working methods, and the relationship between the Security Council and the General Assembly. Decision 62/557 also stipulates that any solution must garner "the widest possible political acceptance", although in 1998 the UN General Assembly already agreed that the support of two-thirds of UN member states is sufficient. Yet even if these conditions are met any of the P5 will still be able to veto the final resolution. For example, China and Russia have previously stated that reform should be based on a consensus and not on a majority vote.

On the issue of reform, the UN member states are divided into several groups. Their positions on the most important questions, membership and the veto, are as follows.

First, the G4 consists of Germany, Japan, India and Brazil. The G4 mainly seek permanent seats for themselves, but are willing to forego their veto rights for fifteen years or possibly even longer.

Second, the Uniting for Consensus (UfC) consists of various states – including Italy, Spain, Argentina, Canada, Mexico, South Korea and Pakistan – which oppose the G4 and the addition of any new permanent seats. The UfC would

instead add only non-permanent seats and preferably abolish the veto or at least restrict its use.

Third, the African group consists of members of the African Union. It seeks two permanent and five non-permanent seats for Africa. The African group would preferably abolish the veto, but it insists that as long as the veto exists all permanent members should possess it.

Fourth, the L69 consists of some 40 developing countries from all over the world, including Brazil and India. It seeks six new permanent seats and six new non-permanent seats balanced across UN regions. Its stance on the veto is similar to that of the African group; either the veto is abolished or it is extended to all permanent members.

Fifth, the Arab group consists of 22 states and it demands a permanent Arab seat. It heavily criticises the veto, but does not present any solution to it.

The final significant group is the ACT which consists of 21 smaller member states, such as Ireland, Switzerland, Peru, Uruguay and Liechtenstein. The ACT concentrates solely on improving the working methods – accountability, coherence, and transparency – of the Security Council so that all UN member states, not just the Council members, can take part in its decisions.

The P5 are generally hesitant towards reform. Of the five, France and Britain are most open to reform. Whilst all permanent members accept the reform in principle, they have often fought popular reform proposals. For example, when in 2005 it seemed that the G4 and the African group might reconcile their differences, China and Russia declared any reform to be out of the question and with the aid of the United Stated started publicly gathering support to

defeat the reform attempt. Similarly, in 2012 intense pressure from the permanent members forced a draft resolution on improving the working methods of the Council to be abandoned.

The Four Major Flaws of Design

There are four major flaws in the design of the Security Council which cause it to be dysfunctional and these flaws are currently ignored in the reform process. The four flaws are: inequality, exclusiveness, rotating seats, and representation.

First, inequality results from the veto and from the difference between permanent and non-permanent seats. As has been discussed earlier, the unequal design concentrates most of the power to the P5 who are then able to act in self-interest and ignore the rest of the UN. This means that even when there would be overwhelming support for the UN to act, a single member can make action impossible.

Second, exclusiveness results from limiting the Council's membership to a small portion of the total UN membership. This causes the Security Council to lack legitimacy, because it displays little awareness of the views under-represented regions, such as the Middle East or the Small Island Developing States. Another example is Africa which is the subject of nearly 75 percent of the Council's work and the target of over 60 percent of all Security Council resolutions, but is severely under-represented. For example, in 2008 a draft resolution called for sanctions against Robert Mugabe and his associates. The African Union was against sanctions, but had no say in either the draft resolution or the result. The South African permanent representative summarised the problem in the following way: "How can we have a situation in

which other people are discussing what is happening on our continent without our participation?"

Third, the system of rotating seats results in unpredictability and randomness because Security Council decision-making and agenda setting follow the interests of its members. For example, before the Rwandan genocide the government of Rwanda used its seat in the Council to gain information that the United States was unwilling to intervene and during the genocide Rwanda used its seat to spread misinformation. Rwanda was also supported by two other non-permanent members: Djibouti and Oman. Had these seats been held by other states, the result would have likely been different.

Fourth, the system of single countries representing their respective regions does not work, because states are unwilling to represent and to be represented by others. Instead, states campaign vigorously to gain seats for themselves. As a case in point, the African group has been unable to agree on the distribution of seats among its members even after more than a decade of negotiations.

The current reform proposals do not solve any of these flaws as the focus is on the issues defined in Decision 62/557. Instead, some reforms might further exacerbate the flaws. In particular, the addition of several new permanent members with veto power would decrease the decision probability of the Council even further.

The Two-Layered Regional Model

As an improvement over the current proposals, I argue in favour of the Two-Layered Regional model which seeks to eliminate the four identified flaws. First, the Security Council is opened to all member states, effectively

eliminating exclusivity, regional representation and rotating seats. Second, all privileges including the veto are abolished which makes all member states equal. Third, the current United Nations Regional Groups are modified: the Eastern European Group is abolished and its members integrated to neighbouring groups; a new Middle Eastern and North African group is created; and a new group for Small Island Developing States is created. The goal is to have large regions with socio-cultural links and similar security issues. States that share strong links to two regions can have overlapping memberships in two regional groups. For example, the North African states are strongly linked in their culture, heritage and security issues to the Middle East, but are also strongly tied to Africa by geography and by a long history of membership in the African Union and its predecessor the Organisation of African Unity. As a result, they would most likely prefer to be members in both regional groups. Overlapping membership can also be utilised in other regions such as the Caucasus and Central Asia. Special arrangements can be considered as well. For example, states located in hostile regional environments – in particular, Israel – could be granted a standalone status so that they couldn't be dominated by their regional groups. In addition, the P5 could be offered immunity from Security Council resolutions for a period of a few decades to make them more amenable towards reform.

The idea is to use the regional groups in a two-layered voting process where the region in concern and the rest of the world take separate votes on draft resolutions. So, for example, if a draft resolution targeted Zimbabwe, first the African Group would take a vote among its members – because Zimbabwe is part of that regional group – and then the rest of the UN member states take a separate vote. If both votes gain 60% support, the draft resolution is adopted. If either vote fails to gain 60% support, the draft resolution is abandoned. This

formula is followed when the draft resolution concerns intrastate conflict. In cases of interstate conflict there is only a single vote by the Council as a whole.

The design has several benefits. One is that it takes into account the controversial nature of interventions by making it more difficult to intervene in intrastate conflict compared to interstate conflict. Another benefit is that Security Council resolutions gain legitimacy, because all member states have the option to participate in the process. Regions such as Africa and the Middle East have more control over their fates and as such might react faster to emerging crises. As the design emphasises regional responsibility, it decreases the burden of the current permanent members whilst allowing them to intervene more legitimately when there are legitimate threats to international security.

Conclusion

In sum, the current reform proposals seem inadequate to ameliorate the flaws of the Security Council. Some might even make the situation worse. Whilst I believe that the reform proposal presented here would perform better, it is most likely that the reform process will continue to be slow and the changes are incremental.

Image credit: Zack Lee/Flickr.

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