

## Legitimacy, Representation and Effectiveness:

### Three Goals for a Security Council Reform

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The Security Council (SC) is the organ of the United Nations Organization (UN) with “the primary responsibility for the maintenance of international peace and security”, according to article 24 of the UN Charter. Member states of the UN explicitly recognize their obligation to implement SC resolutions, as stated in article 25: “The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter”. The Security Council is composed of five permanent members (the People's Republic of China, France, Russia, the United Kingdom and the United States) with veto power over any resolution, and ten temporary members, which are elected for two-year terms by the United Nations General Assembly and have no veto power.. However, the performance of the Security Council is weak mainly because of the veto power and the non-representation of the world population. Indeed, the context has dramatically changed since the creation of the United Nations Organization in 1945: at that time, the 5 permanent members (P-5) represented more than 50% of the world population, whereas they represented only 30% in 2006. A reform of the Security Council is therefore necessary and has to cope with several challenges: legitimacy, representation and effectiveness. How can we create a new system which would be more representative of world demography, economic powers, and geographical diversity at the same time? Above all, how can we avoid endless blockades because of the veto power? In a nutshell, how can one find a reasonable balance between collective security and state self-interests, in particular those of the P-5?

Firstly, one could argue that the permanent-members veto should be replaced with a “double-majority” voting method (a majority both of all the members and of the permanent members), to make the Security Council more effective. According to article 2 of the UN Charter, “The Organization is based on the principle of the sovereign equality of all its Members”. However, article 27 specifies that “Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members”. Then why do the P-5 have more privileges through veto power than any other member state? When the United Nations was created at the end of World War II, the Allies placed themselves at the center of a collective security system established to prevent another war (Krasno, 2006: 93). Yet, the present system can be criticized, precisely because it is far from clear how it can prevent war. In fact, this system leaves a permanent member free to wage war on any country without being punished because it has a veto power. For instance, the United States started to make war on Iraq in 2003 without authorization of the UN. Thus, the veto power does not prevent another war, but only a war supported by the UN against one of the P-5. A permanent member can put its veto against any resolution that affects its self-interests but has nothing to do with its national security, which is even worse. For instance, the recently approved Security Council resolution to send a 26,000-strong peacekeeping force to Darfur (BBC News, 3 October 2007) had been vetoed many times by China in the past. That is why the veto power should be eliminated. Nevertheless, the amendment process set out in the UN Charter requires the concurrence of the five permanent members, as well as the 2/3 of the General Assembly, for any amendment of the Charter, including a change in the structure of the Council (Weiss, 2005 : 14). Practically speaking, therefore, none of the P-5 would approve any measure that

would remove its power to veto SC resolutions. As a result, any SC reform will have to maintain the privileged status of the P-5.

As earlier mentioned, the solution could consist in replacing the permanent-member veto with a “double-majority”, as Keith L. Sellen suggests (Sellen, 1992 : 187-192). “This voting method would require the concurrence of a majority of all members as well as a majority of the permanent members, before a Security Council resolution passes”. Indeed, this system enables to maintain the privileged status of the P-5 (the independent concurrence by a majority of the permanent members is necessary) without maintaining the power to block unilaterally the passing of a resolution. One may claim that this reform could make the Security Council more effective and authoritative. Keith L. Sellen even argues that eliminating the veto is in the United States’ best interests, because United States security improves as international security improves. Furthermore, “To say that United States national security improves as international security improves is to say that security is indivisible. Indivisibility means that a security threat anywhere is a security threat everywhere and that one cannot classify any threat as purely national or international. This is true because our world is ever-shrinking” (Sellen, 1992 : 191). This argument appears relevant and realistic when we consider that the international community is getting increasingly closer through improved communications, increased economic interdependence, increased reliance on collective security, integration of ideas, and growing membership in international organizations. Yet, it remains to be seen whether such an argument will convince the P-5 to accept the rather symbolic and more collective privileged status proposed by the advocates of the “double majority” voting system and finally forego their real, individual and unilateral veto power!

Secondly, to make the Security Council more representative, the number of permanent and non-permanent members should be increased, as model A of the High-level Panel suggests. When the United Nations was created at the end of World War II, there were fifty-one members. Today it consists of 191 member states, and the balance of military and economic power in the world has changed significantly (Krasno, 2006 : 94-96). Moreover, the demographic distribution has dramatically changed since the creation of the United Nations: at that time, the 5 permanent members (P-5) represented the majority of the world population, while they represented only 30% in 2006, according to the United Nations Department of Economic and Social Affairs – Population Division. Consequently, it is necessary to expand again the number of countries on the Council to reflect the increased membership in the UN. Yet, the challenge is to rebalance the Security Council by taking into account the current world demographic, economic and geographic distribution, as proposed by Model A of the High-level Panel in 2004. However, the individual veto power of each of the P-5 should not be retained, as the model suggests, but replaced with a kind of joint privileged status of the P-5, as earlier argued. Model A proposes to create six new permanent seats, without privileged status, and three new non-permanents (elected for a two-year term, renewable). This would bring the total membership of the Security Council to twenty-four (from the original 11 and the present 15 members). Weiss et al. explain that with the new model, Africa would receive two permanent seats; Asia/Pacific would receive two new permanent and three new non-permanent seats; Europe would receive one new permanent and two non-permanent seats; the Americas would receive one new permanent and four non-permanent seats (Weiss, 2007 : 113-114). Thus, contrary to the current uneven distribution of the 15 members, each region would have six representatives.

Under the new system, we could have, for instance, South Africa and Nigeria or Egypt as permanent representatives for Africa in the Security Council, because of the size of the

population, resources or level of development of these countries. Similarly, we could have the United States and Brazil as permanent members representing the Americas. Germany could be the third West European permanent member of the Security Council with France and the United Kingdom. India and Japan could be the new permanent representatives for Asia, joining China, while Russia, because of its history and geography as a Eurasian power, could presumably represent both continents. Eventually, the new non-permanent members elected by the General Assembly would also make the Security Council more representative, and thus make the resolutions more legitimate.

However, one can contest the strict equality of seats between each region proposed by the High-level Panel in this model A. Indeed, each region would have six representatives, although they do not each represent 1/6 of the world population. For instance, Asia/Pacific is almost as rich as Europe when we look at the GDP of Germany, France, UK, Italy, and Spain compared to the GDP of Japan, China, Russia and India according to the IMF; yet, about 4 billions people live in the Asia/Pacific region against only about 731 millions in Europe in 2007, according to the INED. Despite this demographic contrast (Asia is almost six times more populated than Europe), both regions would have six representatives in this model A.

In conclusion, the Security Council reform should take place in two steps. First, the permanent-member veto should ideally be replaced with a “double-majority” to eliminate the possibility of a unilateral blockade of resolutions while maintaining the privileged status of the P-5. Because we have to keep in mind that any reform will have to be accepted by every permanent member of the Security Council, as it is written in the Charter. Second, the number of permanent and non-permanent members should be increased, as model A of the High-level Panel suggests, and only the current P-5 will have a privileged status through the “double-majority” voting method. These two steps are indispensable conditions to make the Security Council resolutions *de facto* more effective, more authoritative and more legitimate.

### **Bibliography**

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