



Security Council Reform:

Arguments about the Future of the United Nations System

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A debate has been raging within the United Nations about the role of the Security Council. Many countries see the Council as a deeply-flawed instrument for promoting peace and collective security. They have called for far-reaching changes in the Council's membership and its methods of work.

At a conference on Council reform in May 1994, co-sponsored by Global Policy Forum and the International NGO Network on Global Governance, several high-ranking diplomats, as well as scholars and NGO Representatives, argued that the Council must become more democratic, consistent, accountable, and open, and that it must function less as a geo-political instrument of a few major powers. They raised serious questions about the current Council's capacity to be a credible or legitimate source of international peace and international law.

The Council reform movement has gathered force because the Council has recently been far more active than in the past, when the US-Soviet rivalry and disputes about decolonization led to many paralyzing vetoes. From 1988 to 1993, the number of formal Council meetings rose from 60 to 171, while the number of "consultations of the whole" (where most business is conducted) rose from 20 to 253. The Council is now virtually in daily session. In 1989 there were 20 resolutions, while in 1993 there were 93; in the same period, the number of statements by Council presidents (similar to resolutions) rose from 17 to 94.

The Council has recently dispatched more military peacekeeping missions than in its first forty-five years combined--and it has sent out a number of election teams, police forces and units of human rights monitors. The Council has imposed economic sanctions (seven sanction regimes were in place in 1994), mandated arms inspections and disarmament

measures, and acted on a wide variety of international security issues. But to many countries, this new activism has often appeared high-handed and undemocratic.

An unprecedented meeting of heads of state and government of members of the Security Council took place in January, 1992 soon after the Gulf War. This meeting marked a new level of seriousness among the major powers towards the Council and its work. Council activity and peacekeeping rose dramatically thereafter. In response, less powerful countries have stepped up their pressure for Council reform.

Council reform had been on the agenda of the General Assembly since 1979, but it had attracted little interest. In 1992, it assumed a wholly different priority. The newly-activist Council was taking decisions that many members found questionable. The troubled mission in Somalia, the post-war sanctions and exclusion zones in Iraq and the sanctions against Libya--these were among the issues that rallied opposition. The Non-Aligned Movement, meeting in Jakarta, Indonesia, called for urgent Council reform. On December 11, 1992, the General Assembly passed resolution 47/62 asking the Secretary General to invite member states to submit written comments on Council reform. During the following summer and fall, eighty states made submissions. The Secretariat published two major collections with a wide variety of reform proposals; most revealing deep disagreement with current Council composition and procedures.

By the following year, with still more peacekeeping missions and other council initiatives in the field, member states were even keener for reform progress. In October, when the General Assembly considered the Council's annual report, debate was far sharper than usual. Soon after, the Nordic countries took an initiative to broaden Council consultations with troop-contributors. Finally, on December 3, 1993, the General Assembly adopted Resolution 48/26-- setting up an Open-Ended Working Group to consider reform and restructuring of the Council. General Assembly President Samuel Insanally of Guyana chaired the Working Group until September, 1994 when the new GA President, Amara Essy of Cote d'Ivoire, took over.

During 1994, the Working Group met many times. Council reform gained momentum from a variety of events: a meeting in Ottawa in April sponsored by the Canadian government to examine peacekeeping, the NGO conference in May, an Argentina-New Zealand initiative in September, a Benelux initiative in October and a variety of other efforts, formal and informal. Most important of all, dozens of countries that had contributed troops to peacekeeping operations demanded that they be consulted on Council action that affected their forces. Their demand rested on Charter Article 44-- ignored by the Council--giving troop-contributors a voice in decisions concerning their troops' deployment. Pressure for reform came not only from countries of the South, but from the North as well: Canada, the Nordics, the Netherlands, Italy, Australia, New Zealand and others came out clearly for reform, along with the overwhelming majority of countries from the South.

In spite of this intense activity, most major international media tended to ignore Council reform, except for the proposal that the Council should admit two new permanent members--Japan and Germany. This proposal has the support of the United States, Britain and France, as well as Japan and Germany. Most countries oppose this approach, though, and one delegate from a Caribbean country bluntly called it "useless and a waste of time." Many delegates have vowed to block it and they insist instead on deeper reform measures. Recent debates in the General Assembly--on October 13 and 14 and October 31 and November 1, 1994--as well as actions in the Security Council itself in November and January, have provided new information on the thinking of UN members on the reform issue.

1. Democracy & Representation on the Council

The Security Council was never a democratic institution. Chapter 5 of the UN Charter set up a Council dominated by the five Great Powers that were the victors in World War II--the United States, the Soviet Union, Britain, France and China. In 1945, when the Charter was written, most of today's countries were still colonies; UN membership at the beginning was just 51 vs. its present total of 184. "It was an elite group," says Razali Ismail, Malaysia's Permanent Representative to the UN, "with the victorious powers as custodians of peace. Now, with all that has taken place, obviously that has to change." (1)

The five Permanent Members sit continuously on the Council and they wield a veto, which allows them to block action on all substantive issues, including appointment of the Secretary General and revisions of the Charter. In January 1966, after a Charter revision, the Council grew from eleven to fifteen members, so that there are now ten non-permanent members, elected from the Assembly for non-renewable two-year terms. (2)

The Council enjoys a unique authority under international law. Its decisions stand largely unchallenged by the World Court or the General Assembly. Its resolutions (unlike those of the GA) are binding on UN member states and--though they are not always obeyed--they define what is acceptable conduct (and what is not) in the international arena.

Many ambassadors at the UN say the Council is not representative and is unresponsive to their concerns. Their complaint is not new. There was a lot of unhappiness when the U.S. and Britain systematically blocked Council action to impose economic sanctions on South Africa during the 1980's; when France and Britain blocked action on Suez in 1956; when the US refused action on Vietnam in the 1960's and '70's; or when the Soviet Union prevented action on Afghanistan in the 1980's. But today, the opposition is more vocal because the Council, rather than failing to act, is now acting--in ways that often seem motivated by geopolitical interests of major powers.

Many ambassadors disagree with Council actions on Bosnia, Somalia, Haiti, Rwanda and other crises--often on the grounds that the special concerns of the Permanent Members (especially the United States) take precedence over the norms of international law and the majority view in the international community. They plausibly think these crises would have been handled better in a more open and democratic Council, where the voices of less powerful members could be heard and could have a serious influence.

In speeches and in corridor conversations, diplomats often point out that four out of the five Permanent Members are "European" (a concept that includes the United States) and four out of five are "industrialized" countries. The four-fifths of humankind that live in the poor countries of the Global South, they say, have only one voice--China--among the Permanent Members. Latin America, Africa and the Middle East have no regional presence at all among the Permanent Members. Reformers insist that the Council should better "represent" the whole population of the globe. But there are considerable differences about how representation should be achieved and what effective Council democracy would look like.

Richard Butler, Permanent Representative of Australia to the UN told a reporter "It is absolutely clear that the Security Council we have today is yesterday's Security Council. It cannot do the job we need done today and will certainly need in the future." (3) And Roberto R. Romulo, Foreign Minister of the Philippines told the General Assembly: "It is ironic that in the midst of the rapid spread of democracy in recent years and the expanding membership of the United Nations, the Security Council remains unrepresentative in its size and the geographic distribution of its membership, and undemocratic in its decision making and working methods." (4)

Even the Permanent Members are not united in defense of the Council as an effectively representative body. China's Foreign Minister Qian Qichen was more subtle in his criticisms than some of his colleagues, but he told the General Assembly in the September, 1994, opening debate that "Actions by the Council should better reflect the collective will and common aspirations of the entire membership." (5) For a member of the Council's inner circle, this was a strong rebuke indeed.

The sharpest debate turns on the proposal for Permanent Membership for Germany and Japan. Since both countries have middle-ranking military forces which have been constitutionally restricted in their foreign deployment, they justify their claim to a permanent seat by referring to their wealth and their role as major funders of the organization. (6) Many countries object. In recent General Assembly debate, when German Ambassador Detlev Graf zu Rantzau argued that "the largest contributors" should be given new permanent seats, the Indian Ambassador Mohammad Hamid Ansari took him to task, insisting that "the corporate model, in which equity [i.e. shareholding] determines voting power, should not be applied" to the Council or the UN. (7)

A few countries have argued for adding more veto-wielding Permanent Members from the Global South. Nigeria, Brazil and India, would like to become Permanent Members, and they have campaigned actively for seats. But their regional rivals are staunchly opposed. Egypt and South Africa wonder about Nigeria's special qualifications, while Argentina and Mexico, Indonesia and Pakistan question the choice of Brazil and India. Smaller countries, in turn, are unhappy about any system that will strengthen the powerful at their expense.

Reports of discussions within the Working Group suggest that a majority of countries oppose an expansion of the number of Permanent Members and still more insist on veto restrictions. (8)

The majority prefer to enlarge the Council with additional nonpermanent members--a common figure is ten--bringing the Council to 25 members altogether. Though opinions vary widely, most countries seem to believe that an electoral process will yield better representation of regions, and of diverse kinds of states--poor as well as rich, small as well as large. Better representation, they argue, will help create a Council that can act credibly and legitimately in the name of all humanity.

2. Permanent Members & Vetoes

Many UN diplomats and reformers are unhappy about permanent membership and especially the veto, and they want to re-consider the issue, even if the number of Permanent Members does not increase. The Non-Aligned Movement has recently reaffirmed its longtime opposition to the veto, saying it "guarantees an exclusive and dominant role to the Permanent Members of the council [and] is contrary to the aim of democratizing the UN." (9)

Those who support the status quo often insist that the most powerful countries must be given special privileges at the UN, to keep them involved in the organization. Reference is often made to the crisis of the League of Nations in the 1930's. But reformers point out that -- contrary to common opinion -- the Permanent Members have not necessarily been the most powerful countries of the day. For half the lifetime of the UN, the government of a small island nation in Asia--Taiwan -- occupied one Permanent seat (as the representative of China). Two other seats have been occupied by former world powers France & Britain -- countries that have steadily declined in importance and are now viewed as secondary on the world scene. A fourth seat was recently switched without debate from a former global power (the Soviet Union) to an impoverished middle- level power, much reduced in size and independence of action (Russia). Permanency of membership freezes the Council and prevents it from adequately reflecting world political realities.

Reform discussions always come back to the issue of democracy. Amb. Luis Fernando Jaramillo of Colombia referred at the GPF Conference to the Permanent Five as "lifetime members," implying comparisons with countries where undemocratic rulers declare themselves "President for Life." (10) Victor Flores Olea of Mexico, in the General Assembly, called permanent membership "obsolete," (11) while Francis Sengwe of Zimbabwe called permanent membership and the veto "relics of a bygone era." (12) "It is ironic," continued Sengwe, "that those who assiduously resist the democratization of relations among nations [i.e. Britain, France and the United States] are the most vocal in insisting on democratic governance within nations." (13)

Because Art. 23, Sect. 1 of the Charter speaks of criteria for the selection of non-permanent members (their "contribution" to the "maintenance of international peace and security and to the other purposes of the Organization"), some countries have called on the General Assembly to develop objective measures for this purpose. Singapore recently brought such a proposal before the GA. (14) Criteria might be embarrassing to the Permanent Five, though. They are, after all, possessors of nearly all the world's nuclear weapons as well as most of the stock of chemical and biological weapons. They have the largest military establishments and spend collectively about two-thirds of the world's \$775 billion in military outlays. They account for a very large share (about 85%) of the world's major arms exports. And they have ignored Charter injunctions that they abstain in Council voting when they are parties to disputes (Art. 27, Sect. 3).

Permanent Members have agreed to pay a disproportionate amount of the costs of peacekeeping, but (with the exception of France) they have provided few troops for peacekeeping forces and they have often been loathe to have their troops serve under UN command. The United States has established a clear ban on its forces serving under foreign commanders, as underscored by a new Presidential Decision Directive, made public in May of 1994, as well as actions by the new Republican-dominated Congress in early 1995. (15) Reformers point out the irony that major powers set peacekeeping initiatives in motion, then expect smaller countries to put their own soldiers' lives at risk. Irate references to former colonial forces, like the British Ghurkha regiments, arise in UN corridor conversations.

The Permanent Five have an additional advantage over the non-permanent members in the Council, because elected members serve for only two years and cannot, according to the Charter, be immediately re-elected. Amb. Keating of New Zealand, a recent Security Council President, pointed out that it takes most representatives more than a year to get a sense of the workings of the Council and to begin speaking up in meetings and questioning the actions of the Permanent Five. By the time they have become truly effective members, their term is virtually up. (16)

Many reformers, like Colombia, New Zealand, Zimbabwe and Malaysia, would like to limit or do away with the veto and even with permanent membership itself. In debates,

phrases like "obsolete privilege" and "exclusive club" tend to crop up. "The right to veto undermines the principle of sovereign equality of states as provided in the Charter," said Hasmy Agam, Deputy Secretary General of the Malaysian Ministry of Foreign Affairs in a speech to the General Assembly. "No country, however powerful, should arbitrarily stand in the path of collective needs as determined by the general membership of the UN." (17)

The veto has been little used in the post-Cold War period, but use alone is not a measure of its importance. According to the account of knowledgeable delegates like Amb. Nabil Elaraby of Egypt, Permanent Members frequently threaten to use the veto in closed-door consultations, as a means to get their way. This practice is called a "closet veto." (18)

Vetoes (whether threatened or actually used) are a block to action, as UN performance in former Yugoslavia and other recent crises has clearly shown. A single veto-wielding power can stop international response dead in its tracks and totally frustrate the will of the overwhelming majority of the international community. This blockage, which has frustrated UN action on key questions since its founding, must be progressively eased, insist reformers. New veto-wielding permanent members would only increase the likelihood of blockage and still further paralyze the organization.

Vetoes have not just been cast to block substantive resolutions. Over the years, 59 vetoes have been cast to block the admission of member-states -- a dubious enterprise -- as well as 43 vetoes cast to block nominations for Secretary-General. The veto strangles the UN and prevents a broad consensus from guiding its work across a wide range of issues.

New Zealand's Amb. Keating reminds people with evident satisfaction that his government's position has been very consistent. It opposed permanent membership and the veto at the original Charter Conference almost fifty years ago and it still adheres to this view. (19)

Most reformers admit that at present their chances of doing away with the veto or with permanent membership are slim, since the Permanent Members would block the necessary changes in the Charter. So reformers have proposed incremental strategies, including a slow but steady assault on the veto, seeking to restrict its use through procedural changes, which do not require Charter revision. Austria, among others, has called for this type of restrictions and Olara Otunnu, President of the International Peace Academy, has said that the burden of proof in future should be on permanent members to justify veto use. The prestigious Commission on Global Governance, of which Otunnu was a member, has proposed veto restrictions in its recent report. One proposal being discussed would require two concurrent vetoes. Another would restrict circumstances in which vetoes are cast (e.g. to cases of international aggression under Chapter VII). Yet another would develop a kind of weighted vote to replace vetoes altogether. (20)

3. Size and Efficiency

Most reformers want to increase the size of the Council, to enable it to be more representative of different regions, countries of different sizes and other criteria of diversity. The United States, Britain, France and a few other countries have argued in favor of a minimalist approach to expansion, on the grounds that a large committee is awkward and "inefficient." They speak accommodatingly about enlargement in public, but privately they seem inclined to favor a council with only 18 members, including Germany and Japan--allowing for only one new non-permanent member from a country of the South.

Reformers are not impressed by the "efficiency" argument and see it as an effort to preserve the privilege of the Great Powers. They argue that "efficiency" is in the eye of the beholder and that, given the lack of peace and security in the world today, the present Council clearly has not produced very "efficient" results. Amb. Mabilangan of the Philippines, told the General Assembly that "the effectiveness and efficiency of an enlarged Council would not necessarily be inversely related to size. Wider membership, in fact, leads to a more democratic decision-making process and ultimately, more active support for decisions as well as participation in operations arising from such decisions." (21)

4. Secrecy vs. Transparency

Members of the UN are particularly offended by the Council's method of doing business behind closed doors. Part of the problem is a traditional practice of "informal consultations" that are not public and produce no minutes or reports. Worse still, the Permanent 5 often meet privately, excluding other Council members, while they work out resolutions and effectively decide most of the rest of the Council's business. Sometimes, there is little consultation after a proposal leaves the U.S. mission. Amb. Keating said that during his Council term, members of the General Assembly came to him to express outrage at these practices. Many complained that they had no advance notice of Council resolutions, even when the resolutions have had a great impact on their countries. Keating reminded them that the non-permanent members, including even those acting as President of the Council, often have virtually no advance notice either. (22)

According to Keating, the non-permanent members come to Council meetings and a resolution is put before them by the Permanent Five, "delivered up as a fait accompli." "This is the resolution, it's put up for adoption and dare you suggest any amendments," said Keating. (23) Amb. Razali, another recent Council member, referred to the situation as "demeaning" and he spoke about "questionable work methods." (24)

Amb. Jaramillo of Colombia, another recent non-permanent member who served a term as President, said he considered the closed-door sessions "dangerous and unwelcome" and told of how he was forced to stand outside the chamber where the Permanent Five were meeting and "beg" for pieces of information as a "personal favor" from the permanent representatives who were leaving. From this method, he said, we get "informal, biased, and unreliable" information that "cannot be the basis of serious and responsible decision-making." (25)

Reformers insist that the Council operate in a more open manner--or, to use the latest buzzword at the UN, that the organization be more "transparent." Countries feel that as contributors of troops and funds to peacekeeping operations, they have a right to be consulted and actively involved in the Council decision-making process. As of October 1994, 75 countries were contributing a total of 78,000 troops to UN operations; the budget for the peacekeeping operations alone had reached over \$2.5 billion per year. "As in government, there should be no taxation without representation," argued Hans Van Mierlo of the Netherlands. (26) Countries also argue a claim to be heard because they are so heavily influenced by Council decisions--as economies heavily impacted by sanctions, as societies flooded by refugees and as countries coping with regional arms races or economic instability.

Traditionally the Council has issued a report to the General Assembly just once each year. The report has been brief and very formal, offering little possibility for effective exchange. In fact, the Council had decided in past years to abbreviate its GA report. (27) In the fall of 1993, Assembly debate on the Council report reflected a growing dissatisfaction and in the 1994 debate, a number of representatives expressed still stronger objections. Amb. Nicolaas Biegan of the Netherlands said that the report no longer was appropriate and did not provide the kind of analytical material the Assembly needed. It is not acceptable, he said, that a body, which has been given the tremendous power and responsibility for the maintenance of international peace and security, should render its yearly account by way of a simple list of activities. (28)

In the same debate, Amb. Francesco Paolo Fulci of Italy spoke of "ritual, bureaucratic verbiage" to describe the report and he called on relations between the GA and the Council that would be "closer and more organic." (29)

Amb. Keating and Amb. Emilio Cardenas of Argentina wrote a letter to the President of the Council on September 15, 1994 requesting new kinds of regular consultation, including a weekly working group, a twice-monthly meeting of troop-contributing states and other initiatives. (30) Some had urged the Council President to give monthly briefings to the chairs of the regional groups, while others have favor more open Council meetings, and special liaison bodies to smooth dialogue between the GA and the Council. Brazil's Amb. Ronaldo Mota Sardenberg has suggested monthly briefings of the whole membership by the Council President. The Council discussed the Argentina-New Zealand

initiative in its meeting on Friday, November 4. The discussion included some unusually frank interventions, including a statement by the Chinese ambassador Li Zhaoxing, who quoted a Chinese proverb: "One will be enlightened by listening to various views and benighted if heeding only one-sided views," he said. (31) Amb. Peter Osvald of Sweden argued that increased dialogue and transparency would broaden the political support for peacekeeping, while Ambs. Nicolaas Biegan of the Netherlands and Francis Hayes of Ireland stressed that the Council needed the active participation and involvement of other member states to insure the implementation of its resolutions. (32)

The Council debate on the 4th came only after a Presidential statement, which offered regular consultations with troop-contributors, a move Amb. Keating described as "one step along the road we would have liked to have travelled," but leaving the Council with practices that are "nothing short of primitive" in light of its large global responsibilities. (33)

The reformers had already won a few other changes. Council presidents had begun wider and more regular consultations and the Council had asked the Secretariat to study a more informative annual report. Many hope that, if more transparent procedures develop, the "provisional" rules of procedure that have been in force for 50 years will finally be replaced by new, more permanent and more suitable rules.

The assault on Council secrecy gained an important ally in mid-November of 1994 when a Permanent Member--France--circulated an aide memoire which followed a speech earlier in the fall by Foreign Minister Alain Juppé. The document stated forcefully that "the time has come to allow for fuller public debate on [the Council's] work." The French went on to propose both "orientation debates," open to all members of the organization when the Council is taking up an important question, and "public exchanges of views between [Council] members" as a way of increasing transparency and improving consultations. (34) In response to the French initiative, the Council on December 16 announced that it would meet more often in open sessions, in an effort to improve the flow of information and ideas between members of the Council and other member states. But reliable sources report that the United States and Britain stonewalled the French initiative and that they strenuously oppose moves to shift power away from the inner circle and towards the general membership.

5. Sanctions

Council-imposed sanctions, which have tripled in number in the past four years, cause particular ire, because they can have a broad and devastating effect on third parties. Powerful businesses suffer as well as powerless individuals. Reformers accuse the Council of adopting sanctions with minimal concern for third-party effects. Because sanctions often continue for long periods, billions of dollars are at stake. In Council

debate on January 19, 1995, Amb. Danilo Türk of Slovenia argued that a disproportionate burden of sanctions is borne by neighboring states and major trading partners. He joined many other representatives in arguing for "statements of impact assessment," so that burdens could be more equitably shared. (35)

Some critics charge that Council-mandated sanctions harm the poorest and most vulnerable while barely affecting leaders and rich people in target countries. In the January 19 debate, Amb. Nihal Rodrigo of Sri Lanka argued that plans to impose or renew sanctions regimes must take into account the impact on populations and the "suffering of the innocent." While Amb. Nugroho Wisnumurti of Indonesia pointed out that this sanctions of this kind "do not accomplish their objectives" [a reference to the rallying of beleaguered populations around their leaders, rather than rejecting the leaders and overthrowing them as some sanctions sponsors hope]. (36)

Reformers are unhappy with the secretive Sanctions Committees of the Council, that meet in private and rarely consult with aggrieved parties. Reports that sanctions have excluded medicines, food, school supplies, children's toys, and many other items that appear harshly punitive have led to a sense that sanctions are a kind of retribution by powerful states or a fear-inspiring example given to the weak by the strong, rather than a just exercise of law enforcement. Sanctions are meant to bring about a "change of behavior," argued Ambassador Legwaila of Botswana, they are not supposed to be "punishment or retribution." (37)

A more democratic Council, reformers argue, would approach sanctions in a very different, and far more open, way, based upon criteria established in advance. States or other parties subject to sanctions would have a clear sense that if they changed their behavior in a specified way, the sanctions regime would be lifted.

6. Pressures and Bullying

Council reformers often mention with particular ire the pressure and bullying used by powerful countries to get their way in Council deliberations. It seems that powerful states (particularly the U.S.) often resort to economic threats and blackmail--threats to cut-off aid, to block loans, to block trade deals and the like--to push smaller states into line on important resolutions. Concrete cases are hard to document, but ambassadors constantly refer to the problem. A number of small states are said to have refused to run for Council seats on the ground that they would expose themselves to too much abuse from powerful Council members. Amb. Razali said "I have seen non-permanent members having a problem coming to terms with the pressure and even the coercion of permanent members." (38) Everyone at the UN remembers the stage whisper of U.S. Ambassador Pickering to Yemeni Ambassador al-Ashtal after the vote on Council resolution 678: "That is the most expensive vote you ever cast," said Pickering near an open microphone.

The US immediately suspended more than \$100 million in aid to that desperately poor country.

Another type of bullying, far more open, involves the threat of powerful members to take action on their own if the Council doesn't take action. The United States has often used this approach in recent years. In the fall of 1994, it threatened to take unilateral action against Iraqi troop movements, in spite of objections from a majority of Council members, including some of the Permanent Five. In the end, the Council reluctantly agreed to go along with the U.S. position. (39)

7. Mandate of the Council

Less often discussed, but vitally important in the reform debate, is the question of the Council's mandate: what problems should it address and act on? In its earlier years, the Council acted almost solely on cases of war between states. But today, it most often takes up conflicts or crises internal to member states- -civil wars, breakdown of authority, human rights violations and so on. With the exception of the Iraqi invasion of Kuwait, the major missions have all been largely internal: Somalia, Rwanda, Haiti, Cambodia, Former Yugoslavia.

Many countries are concerned that this wider mandate opens the way to abuse, double-standards, and outright intervention, in the interests of dominant powers. They want the reform process to clarify the Council's mandate and to establish clear criteria to determine when mandated abuses would be taken up. Should all democratically-elected presidents be restored to office if deposed (like Aristide of Haiti)? At what point should a civil war be stopped and by what means a government re-established? If the UN sets guidelines in advance of crises, reformers argue, the international community is more likely to respect decisions and see them as fair and lawful, not the product of self-interest and political deals among the great powers.

8. Consistency, Adherence to International Law and Checks & Balances

UN members are especially concerned that the Council operates inconsistently, that it often does not enforce its own resolutions and that it sometimes ignores or even violates international law. This undermines the legitimacy of the Council and of the binding character of its resolutions. A Council that is not considered legitimate has to strong-arm others, rather than command their assent and support. Amb. Razali referred to this problem as one of "selectivity" and "double standards." (40) He went on to say: "There is a perception that a Western-dominated Council increasingly resorts to questionable decisions, the implementation of which, in the main, is left to other member states,

particularly in the Third World."(41) Amb. Jaramillo was still more blunt. "Our belief is that total power leads to total corruption," he said. (42)

Skeptical members ask: Why intervene in Haiti and not in Rwanda, Angola or Nigeria? They would like to establish criteria that could serve as a guideline for action. Haiti commanded attention, they suggest, not because an elected president was overthrown or because of human rights violations (these happen in many countries) but because the United States wanted to avert a flood of impoverished immigrants of African origin.

There is also strong opposition to the Council's tendency to selective enforcement, following the preferences of the most powerful members. The Council enforces some of its resolutions with great vigor while others it virtually ignores. Turkey's invasion of Cyprus, Morocco's seizure of Western Sahara, Israel's invasion of Lebanon and Iraq's invasion of Iran are cases where the Council passed resolutions and did little or nothing to follow up. The policies of the U.S. and Britain seem to have kept the Council from the follow-up needed for effective enforcement in many cases, but Russia blocked effective action in the war in former Yugoslavia.

Council critics have been particularly concerned recently with the Council's tendency to subcontract enforcement to powerful members, rather than carry out enforcement under UN auspices. In the crises like the Gulf War, Somalia and Haiti, the United States has asked the Council for resolutions that would authorize it to carry out military operations by itself or in alliance with token forces from other countries. Russia and France have likewise obtained Council sanction (or tacit agreement) for intervention in countries within their sphere of influence. The Council is supposed to be a multilateral agency, not a sanction for unilateral action, insist the reformers. In the January 1995 Council debate, China came out quite strongly for this position as well, referring to the "flimsy ground" on which such actions rested and calling for action under the "unified command" of the UN. (43)

Powerful nations may use the Council when it suits them and then turn their back on the UN when they choose. The chief UN mediator for Haiti, Dante Caputo of Argentina, resigned in September 1984 when the United States ignored months of UN efforts to take its own unilateral action. In his resignation letter to Secretary-General Boutros-Ghali, Caputo said that "the total absence of consultation and information from the United States Government makes me believe that this country has in fact taken the unilateral decision of acting on its own in the Haitian process." (44)

In order to promote consistency and the rule of law in political systems, most national constitutions impose checks and balances, including some kind of judicial restraint by a constitutional court. Some UN reformers, including a number of distinguished constitutional lawyers and scholars like Princeton Professor Richard Falk argue that the

Council should be answerable to the World Court. Colombia has proposed a "Chamber of the Charter," a special new branch of the Court that would examine Council behavior and Council precedents. This might not be a panacea (Court judges are, after all, elected by the Council--though without vetoes). But it would be a very important step, since Court judges are elected for nine years and tend to be relatively independent. The President of the World Court, Mohammed Badjaoui spoke to the General Assembly on October 13, 1994, urging a wider role for the Court in the UN system; shortly after, Algerian Ambassador, Ramtane Lamara called for a "revitalization" of the Court's functions within a revised Charter. Unfortunately, relatively few Ambassadors refer to judicial review in current Council reform discussions.

The General Assembly can also function as an influence on the Council--another pole of power in a system of checks and balances. Reformers hope that if the GA demands and gets more information, and if it acts to assert its own role in the UN system, it can successfully balance the power of the permanent members in the Council, especially if the non-permanent membership is expanded. Reformers argue that the GA has allowed much of its authority to be usurped during the 1990's. An activist GA, they argue, could recapture much of the initiative without the need for Charter revision.

Some reformers, particularly in the NGO community, propose yet another element in a UN system of checks and balances--the voice of citizen groups, political movements and even directly-elected citizen representatives. A directly-elected Citizen Assembly, as proposed by the World Federalists and others, may be many years distant. But direct citizen voices in the UN have a growing authority. By monitoring the Security Council and creating a public concern for its actions, they can have a considerable impact, even completely outside the formal workings of the Charter. The new NGO Working Group on the Security Council may be able to play just such a role.

9. Financial Reforms

The Council cannot operate effectively while the UN is hamstrung by financial problems, as it has been for nearly ten years. The UN budget is actually relatively modest--\$10 billion in all in 1994, or just \$2 per global citizen for every activity from peacekeeping to population to child welfare and health. But several countries--particularly the US--have regularly owed hundreds of millions in arrears, pushing the UN close to bankruptcy.

The Security Council has aggravated the UN's financial crisis by sharply increasing peacekeeping expenses, which jumped more than sixfold in two years--from about \$400 million in 1991 to about \$2.5 billion in 1993. By way of comparison, the core "regular budget" of the organization was about \$1.1 billion in 1991 and about \$1.2 billion in 1993.

Security Council Permanent Members pay a special 22% increment over their regular assessment rate for peacekeeping operations. But the arrears of two leading members of the Council- -the United States and Russia--prompt reformers to accuse these powers of irresponsibility. How, wonder the critics, can these powers agree to new spending for peacekeeping operations and then refuse to pay? New Zealand's Amb. Keating has proposed one kind of solution, suggesting that members in arrears should not be allowed to sit on the Council!

The United States has asked that its peacekeeping assessment be cut from the present level of nearly a third of all costs. The new Republican Congress may simply refuse to pay this amount. Japan and Germany are using their leverage as potential new funders to push for new permanent seats.

An increasing number of reformers are discussing new sources of financial support for the UN as a more permanent solution to the perennial financial crisis. They often discuss a global tax--on air travel, seabed mining rights, commercial use of the upper atmosphere and so forth. The most popular option is the so-called "Tobin Tax", named after Yale economist James Tobin who first proposed it. This tax would impose a very small percentage charge on international financial transfers. With over a trillion dollars being transferred internationally each business day, a transfer tax of just 0.1% would yield a sum large enough to fund the entire UN, all its specialized agencies, and many other new international development initiatives. Tobin also argues that his tax would put a damper on volatile movement of funds and reduce destabilizing international currency speculation. (45)

10. A UN Army?

The Council does not have at its disposal any permanent military force, even a very small one. This is a serious disadvantage, especially since command and control of UN operations often devolves onto Permanent Members, particularly the United States, further heightening the sense that one, or a few, great powers dominate the peacekeeping process. The current debate on Council reform in the General Assembly does not address the issue of military forces, but others outside the UN have put forward proposals. Brian Urquhart of the Ford Foundation, a former Under- Secretary General, has proposed that the UN construct a small, rapid-response force that could operate completely under UN command and respond quickly to emergency peacekeeping situations. Privately, high-ranking US officials are not opposed to this idea and some Pentagon and intelligence agency planners express a cautious approval. But at the policy level, because of strong Congressional opposition, the Clinton administration has opposed such a move. Since the other Permanent Five have reservations of their own, and reformers among the UN ambassadors are lukewarm at best, this particular change is unlikely to emerge as part of the present reform movement. More likely, nations will set aside forces that can be called upon quickly by the UN in emergencies.

11. Policeman vs. Promoter of Human-Centered Development

Most reformers agree that Security Council reform alone, even if strengthened by financial reforms, is not enough to promote peace and security. "The linkage between economic and social problems and political upheavals in various parts of the world is all too obvious," said Jamsheed Marker, Pakistan's Permanent Representative in a speech during the General Assembly debate on Council reform. "There is an urgent need," he continued, "to strengthen the relationship between the Security Council and ECOSOC, so that economic and social factors are accorded due weight in decisions relating to international peace and security." (46) Many reformers are concerned that the UN has shifted emphasis away from social and economic programs towards military-security functions, devolving its social responsibilities towards the World Bank and the International Monetary Fund. Is it possible to set up an effective constabulary, reformers ask, while ignoring the human needs that so often give rise to violence and conflict?

The Ethiopian representative in the 1994 General Assembly debate voiced the growing consensus when he insisted that most conflicts grow out of "economic and social situations that provide societies with neither hope nor a future." In such conditions, he affirmed, "traditional notions of preventive diplomacy, peace-keeping and peace-making, although important, are not enough to maintain the peace and make it durable." (47)

Reformers increasingly talk about "human security"--in contrast to traditional military conceptions of security. The debate between these two views of security defines the concern that economic globalization has weakened the social welfare and development programs of nation states. As social conditions deteriorate, military-police options will come increasingly to the fore. Will the UN be the global enforcer of a tenuous "order" in a global system of increasing inequity and social crisis, ask worried observers.

Since most Security Council cases now address conflicts within countries, economic and social conditions are more central than ever. The great UN Summit Conferences on the environment, population, social development, women, and habitat symbolize the continuing commitment of the organization to social and economic issues. The Secretary-General's new statement of purpose for the organization, *An Agenda for Development*, helps redress the imbalance. But several critical questions remain: what should be the distribution of scarce UN resources between military-security and development priorities? And how can development initiatives be used to head off violence before military forces are needed?

12. State of the Reform Movement, the Future of Security Council Reform

Reform of the Council will not be an easy process. The Permanent Members in general--and the United States, Britain and France in particular--are opposed to the reform movement. They favor adding Japan and Germany plus one or two non-permanent members. Secretary-General Boutros-Ghali has adopted this same perspective in his statements in the fall of 1994. Malaysia has said that the Permanent Five favor admission of Japan and Germany as a means to lessen their financial obligations, by bringing new rich countries on board. (48)

The various UN member states have many different approaches to reform. But many countries support serious reform initiatives, including middle-level powers like Italy, the Nordic countries, Holland, Australia and New Zealand. Among the countries of the South, Malaysia, Singapore, Guyana, Colombia and Zimbabwe continue in leadership roles in the reform movement. In spite of reform momentum in the General Assembly, well-informed diplomats concede that reforms during the 50th Anniversary year are now increasingly unlikely. At the time of the Council's fall elections, the Secretary-General conceded that discord over the shape of change "may block the whole reform process." (49)

The time has come, say reformers, for concerned citizens and NGO's to get involved. The most effective global lobbyists for human rights, the environment and women's rights have come from "civil society," not the governments. The campaign will be long and hard. No quick or easy victories can be expected. But reform advocates are convinced that the possibilities of a more democratic and peaceful global future depend very much on the outcome.

NOTES

1. As quoted in Barbara Crossette, "At the U.N., a drive for diversity," New York Times, October 24, A6
2. This reform process began in 1963, in response to the rapidly growing membership following decolonization. Charter revisions had been agreed by 1965.
3. As quoted in Crossette, *op. cit.*
4. *Ibid.*
5. Reference.
6. Ironically, as of January 31, 1995, Japan and Germany both had substantial arrears to the UN. At that time, according to a press release from the Office of the Spokesman for the Secretary-General, Japan was the sixth largest debtor and Germany the eighth.
7. General Assembly debate, October 13, 1994, AM.
8. The issue does not have a clear "ideological" breakdown, nor is the size of a country the main criterion. Cuba favors new Permanent Members from the South, as does Tunisia, even though neither one could reasonably expect to win such a seat for itself.
9. As quoted by Oysim Chin in her very excellent "Security Council Article" posted to NGLS on the internet, November 1, 1994.

10. Conference on Reform and Restructuring of the Security Council, May 23, 1994.
11. Speech to the General Assembly, October 13, 1994, PM.
12. Speech to the General Assembly, October 14, 1994, PM.
13. Ibid.
14. See speech of Amb. Ti Soo Chew to the General Assembly, September 13, 1994.
15. See "New U.S. Line Downgrades U.N.'s role," New York Times, May 6, 1994, A1, A7 and "House Passes National Security Revitalization Act," Washington Weekly Report, February 17, 1995, 1-5.
16. Speech at the Conference on Reform and Restructuring.
17. Speech to the General Assembly, October 13, 1994, AM.
18. See Elaraby's speech to the General Assembly, October 13, 1994, AM.
19. Comments at Conference on Reform and Restructuring.
20. See, for example, the speech of Volodymyr D. Kandogy of the Ukraine to the General Assembly on 14 October, 1994, AM.
21. As quoted by Chin, op. cit.
22. Comments at Conference on Reform and Restructuring.
23. Ibid..
24. Ibid.
25. Ibid.
26. As quoted by Chin, op. cit.
27. In 1974 the Council decided to eliminate accounts of who said what at meetings and in 1984 to do away with summaries of communications received.
28. Speech to the General Assembly, November 1, 1994, AM.
29. Ibid.
30. Letter is UN document S/1994/1063.
31. Council debate, November 4, 1994, PM.
32. See Osvald's speech in Council debate, November 4, 1994, PM.
33. Council debate, November 4, 1994, PM
34. Aide Memoire, circulated as UN document No. S-1994-1279,
35. Security Council debate, January 19, 1995, AM.
36. Council debate, January 18, 1995, AM.
37. Council debate, January 18, 1995, AM.
38. He made this point at the Conference on Reform and Restructuring, but he has made it in the General Assembly debate as well.
39. See Barbara Crossette, "U.S. is Demanding a Quick U.N. Vote on Iraqi Pullback," New York Times, October 15, 1994, A1.
40. Conference on Reform and Restructuring.
41. Ibid.
42. Ibid.
43. Council debate, January 18, 1995, AM, statement of Wang Xuexian.
44. As quoted in the New York Times, September 22, 1994, A15.
45. For a good recent analysis of the Tobin tax, see David Felix, The Tobin Tax Proposal, A UNDP Policy Paper for the World Summit for Social Development (New York, 1994).
46. As quoted by Chin, op. cit.
47. As quoted in International Documents Review, (December 5, 1994), 5.
48. See speech of Hasmy Agam to the General Assembly, September 13, 1994.
49. Diplomatic World Bulletin, October 24-31, 1.

